



FACT-FINDING REPORT INTO THE TREATMENT OF **BRITISH WOMEN** IN THE UNITED ARAB EMIRATES

Photo by Igor Martis

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A woman in a black abaya is walking across a large, open courtyard in front of a mosque. The mosque features a prominent minaret on the left and several domes in the background. The scene is captured in a warm, orange-toned light, possibly during sunrise or sunset. The woman is carrying a bag and is walking towards the right side of the frame.

EXECUTIVE SUMMARY

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This Report sets out the conclusions of a Fact-Finding Panel of British parliamentarians who have been assembled to consider rights of British women in the United Arab Emirates (“UAE”) and whether or not they are adequately protected.

This Report includes analysis of, but is not limited to, the treatment of British women who have been arrested or otherwise detained in the UAE. This Report considers whether or not adequate support is offered to UK nationals, in particular women, who find themselves victims of international human rights breaches whilst in the UAE, and whether or not more should be done to offer assistance and access to justice from both the United Kingdom and Emirati governments.

Sir Peter Bottomley MP, Conservative Member of Parliament for Worthing West and Father of the House of Commons, is the Chair of the Panel. The panel also includes Debbie Abrahams MP, Labour Member of Parliament for Oldham East and Saddleworth and Helena Kennedy QC, Baroness Kennedy of the Shaws. The Panel has been assisted by international human rights barristers, Rhys Davies of Temple Garden Chambers and Ben Keith of 5 St Andrew’s Hill, as well as Olivia Chessell, paralegal to the Fact-Finding Panel.

The Panel was assembled following an approach by a survivor of abuse¹ and asked to make a detailed investigation into the rights of British women in the UAE. The United Kingdom and Emirati governments were both invited to participate in the evidence gathering and inquiry process. They have declined to do so.

The Panel has conducted an investigation involving a detailed evidence gathering process. That has included submissions from human rights organisations, testimony from victims, analysis of legal sources and analysis of press reports and publicly available material.

In light of the investigations carried out and the evidence received, the Panel finds that:

- The Emirati criminal justice system is open to abuse and capable of manipulation.
- The Panel heard evidence from women who had been detained in the UAE with obvious signs of mistreatment and human rights breaches.
- The experiences presented to the Panel by female complainants demonstrated a pattern of breaches of international standards in the UAE criminal justice system.
- Consular assistance provided to British women in the UAE whose rights have been breached has, at times, fallen far short of expectations.
- Further reform to protect human rights in the UAE is necessary.
- The Emirati government should take steps to ensure that there is no lawful basis for any gender discrimination.

Accordingly, the Panellists call upon the governments of both the UK and UAE to learn from high profile cases of both British nationals and Emirati women who have suffered discrimination and injustice at the hands of authorities.

¹ This victim has asked to remain anonymous in light of the abuse suffered and due to concern about possible reprisals.



INTRODUCTION

INTRODUCTION



The United Arab Emirates presents itself as a westernised, outward-facing, modern society. The UAE is a thriving business and regional hub, and estimates suggest that there are more than 100,000 Britons living and working there at any given time². However, despite that modern image of the Emirates, its criminal justice system and its approach towards human rights are frequently criticised.

Although not a signatory to the Universal Declaration of Human Rights, the UAE has acceded to various treaties including, the Convention on the Rights of the Child in 1997 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012³.

However, evidence reviewed by the Panel indicates that fundamental rights, such as freedom of expression, freedom of religion and freedom of association remain restricted. The Emirati criminal justice system is often criticised at an international level. In 2014, the then Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, upon assessing the Emirati criminal justice system, found that she was:

*“...alarmed by a number of credible reports stating that persons arrested for allegedly violating the security of the state are subject to numerous procedural violations. Some are kept in secret detention facilities and held incommunicado, or even in solitary confinement, for extended periods of time, and under these circumstances many are subject to torture and/or ill treatment”*⁴.

In February 2020, in advance of the forthcoming Hay Festival Abu Dhabi a number of leading international authors and NGOs wrote in an open letter, stating:

*“Regrettably, the UAE government devotes more effort to concealing its human rights abuses than to addressing them and invests heavily in the funding and sponsorship of institutions, events and initiatives, that are aimed at projecting a favourable image to the outside world.”*⁵

The Panel is aware that there have been recent steps towards reform. In November 2020, the UAE government announced that it was reforming certain aspects of the country’s “Personal Status” laws⁶.

2 <https://www.arabianbusiness.com/politics-economics/460798-is-the-end-of-the-gulfs-british-expat-exodus-in-sight>

3 [https://sp.mofaic.gov.ae/EN/TheUAE/Pages/UAE-and-Human-Rights.aspx#:~:text=The%20UAE%20is%20a%20party,Child%20\(CRC\)%20\(1997\)](https://sp.mofaic.gov.ae/EN/TheUAE/Pages/UAE-and-Human-Rights.aspx#:~:text=The%20UAE%20is%20a%20party,Child%20(CRC)%20(1997))

4 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14237&LangID=E>

5 <https://www.theguardian.com/books/2020/feb/24/as-hay-festival-opens-in-the-uae-authors-condemn-free-speech-abuses>

6 <https://www.theguardian.com/world/2020/nov/07/united-arab-emirates-to-relax-islamic-laws-on-personal-freedoms>

The reforms will allow unmarried couples to live together, as well as an effective decriminalisation of the consumption of alcohol. As part of the package of reform, the Emirati government also indicated that it would repeal legislation that allowed for lenient sentences in so-called “honour killings”. In future, defendants will no longer be able to evade prosecution or seek a lesser sentence on the grounds that the victim “dishonoured” her family. Yet, despite recent publicity efforts, it is difficult to reconcile public statements of tolerance with the continued detention of pro-democracy campaigner Ahmed Mansoor⁷ and others. It is also worth noting that discrimination on the basis of gender does not fall within the UAE’s discrimination laws. The Emirates’ personal status laws still require women to obey their husbands, and marital rape is not a crime. “Chastisement” by the use of physical violence by a husband to his wife is lawful.

There is a wealth of evidence, as set out in this Report and within the evidence presented to the Panel, tending to indicate a significant number of breaches of the rights of British women in the UAE. Even allowing for the effect of different cultural norms between the UK and the UAE, press reports and other sources reveal many instances of what appear to be improper and unfair treatment of British women in the UAE.

It is against this background that the Panel and this report considers the treatment of British women in the UAE. The Panel is aware that there are many cases of Britons having been arrested and detained in dire circumstances in the UAE in recent years. The most high-profile British cases include those of Matthew Hedges⁸ and David Haigh⁹, an academic and businessman respectively, who were detained and tortured in Dubai before their release¹⁰.

Further, the Panel has been shown press reports indicating a number of recent conspicuous cases concerning the mistreatment of women, in circumstances specific to their gender. By way of example, in 2017, reports indicate a British woman who was gang-raped was arrested and charged with illegal extramarital sex¹¹.

In addition to reports of women being arrested and charged for reporting sexual assaults, the Panel has also examined evidence of British women being arrested for matters which would not satisfy any threshold test for criminality elsewhere. Press reports inform of a British woman who was arrested having been accused by her flatmate of swearing in a WhatsApp message¹². In 2018, a woman from Sevenoaks was arrested after drinking a glass of wine on a flight from London¹³. In 2019, a British woman was arrested having insulted another woman on Facebook¹⁴.

In light of the evidence available, the Panel has therefore sought to investigate apparent rights breaches of British women in the UAE. Inevitably the Panel has considered evidence of cases outside the relatively narrow bracket of “British women”. However, given the evidence presented, the experience and background of the Panel, as well as the mandate for this investigation, the primary focus of this report is restricted to British women. This Panel has sought to approach this difficult issue impartially and with an open mind. The Panel also recognises that every criminal justice system has its imperfections and every society around the world can, and should, do more to protect the rights of women. This Report does not seek to single out the UAE for special criticism, but rather seeks to investigate what appears to be a real problem and to make sensible, pragmatic proposals to help British women in that country.

7 <https://www.hrw.org/report/2021/01/27/persecution-ahmed-mansoor/how-united-arab-emirates-silenced-its-most-famous-human>

8 <https://www.bbc.co.uk/news/uk-england-tyne-56998407>

9 <https://www.theguardian.com/commentisfree/2018/nov/23/justice-uae-dubai-british-academic-matthew-hedges>

10 <https://www.thetimes.co.uk/article/david-haigh-my-nightmare-in-dubai-rmhs5fm2b> <https://www.theguardian.com/world/2021/may/06/british-academic-sues-uae-officials-for-alleged-torture-while-in-detention-matthew-hedges>

11 <https://www.joe.co.uk/news/british-woman-who-told-dubai-police-shed-been-raped-is-arrested-for-extra-marital-sex-98241>

12 <https://www.independent.co.uk/news/world/middle-east/dubai-uk-uae-whatsapp-swearing-b1797769.html#:~:text=A%20human%20resources%20manager%20from%20the%20UK%20is,week%20when%20she%20was%20apprehended%20by%20Emirati%20police>

13 <https://www.theguardian.com/uk-news/2018/aug/11/woman-arrested-with-daughter-in-dubai-over-drinking-wine-is-released>

14 <https://www.bbc.co.uk/news/uk-47847740>

THE MANDATE OF THE FACT-FINDING PANEL

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The Fact-finding Panel has been asked to produce a Report concerning the treatment of British women in the United Arab Emirates. Whilst this report has treatment of British women as its primary focus, it is necessary that there will be some consideration of treatment of women in the UAE more generally as well as some consideration of the human rights picture in that country.

Consequently, the specific terms of reference for the Fact-finding Panel and subsequent Report are:

- i. To consider whether the rights of British women in the UAE are adequately protected and respected in general terms.
- ii. To consider the legal framework and protections available to women, and in particular, British women in the UAE.
- iii. To conduct investigations, including the taking of evidence, and compiling specific case studies, setting out specific examples of any breaches of human rights of British women in the UAE.
- iv. To make recommendations to the United Kingdom and United Arab Emirates governments, setting out any steps that should be taken to protect British women in the UAE.

The legal advisors to the Panel wrote to His Excellency Ambassador Mansoor Abulhoul, the Ambassador of the United Arab Emirates to the United Kingdom, in letter of 10th May, requesting assistance from the UAE government. In particular, an invitation was issued to *“a representative of the UAE Embassy in London to participate in the open evidence session to assist the Panel members in this important evidence gathering exercise.* The UAE Ambassador was also asked to provide the Panel with information including:

- The number of UK nationals who have been arrested in the UAE in the last five years.
- The number of UK nationals who have been sentenced to a term of imprisonment following conviction in the UAE in the last five years.
- The number of UK nationals referred to above who are women.
- Details of the basis of any arrest and/or subsequent detention of UK women in the UAE.
- Details of offences for which UK women in the UAE have been convicted over the same period.
- Details of conditions of detention for which UK women in the UAE have been arrested, otherwise detained or convicted over the same period.
- The number of UK women who have reported that they were tortured or otherwise mistreated following arrest, detention and/or conviction in the UAE over the same period.
- The number of UK women who reported that they were not afforded a fair trial process, including any complaints of denial of access to legal representation or medical treatment following arrest, over the same period.

No reply to that request was received and a further request for assistance was again sent on 7th June 2021. No reply has ever been received from the Embassy of the UAE in the UK or any other reply from any limb of the Emirati government.

A letter was also sent to the Foreign Secretary on 10th May 2021, again inviting a representative of the FCDO *“to participate in the open evidence session and to assist the Panel members in this important evidence gathering exercise”.* A separate Freedom of Information Act request was also sent to the UK



Foreign Office. A response was received from the FCDO by way of letter on 24th May 2021 which indicated *"the FOI team have confirmed that your request has been received and that it will be processed in line with our usual procedures"*.

In respect of the request to attend the open evidence session, the letter 24th May 2021 indicated that *"we respectfully decline at this time. As I am sure you can appreciate, due to data protection regulations we would be unable to discuss specific details relating to women we have assisted without their express consent"*.

Two Freedom of Information Act requests have been submitted to the Foreign, Commonwealth and Development Office, requesting diverse information *"regarding complaints of mistreatment of British nationals and their families by the United Arab Emirates since 29th June 2015..."*. An initial request was sent on 10th May 2021 and was declined on the basis that the request formulated was too widely framed. Nevertheless, the FCDO, in its reply to that initial request referred to public availability of information relating to assistance provided to British nationals in consular cases¹⁵. The FCDO referred to publicly available information concerning consular data on assistance provided to British nationals worldwide. In particular, the FCDO referred to data for 2015 indicating 2,500 consular enquiries in Abu Dhabi and in excess of 10,000 in Dubai.

A further Freedom of Information Act request was sent to the Foreign Office on 24th May 2021, having refined the previous request. The request was again declined on the basis that the same was too widely framed and would in the circumstances take more than 3½ working days to locate, retrieve and extract the information requested.

The Panel held an Open Evidence Session on 20th July 2021. That Panel was chaired in person by Baroness Kennedy QC and Sir Peter Bottomley and Debbie Abrahams both attended remotely via videolink. Counsel to the Panel called oral evidence from representatives of Amnesty International, MENA Rights Group, as well as the International Campaign for Freedom in the UAE. Oral evidence was also called from three victims and questions were asked by the Panellists. Counsel for a fourth individual, Caoilfhoinn Gallagher QC, gave a detailed statement concerning a British woman who is currently held in custody in the UAE. Details of the evidence received during the course of the Open Evidence Session are set out elsewhere in this Report.

¹⁵ <https://www.gov.uk/government/publications/foreign-office-consular-data-2015>

The Panel has also been provided with a wealth of other documentary evidence and has analysed the same with the assistance of Counsel to the Panel. That documentary evidence includes:

- i. Submissions to the United Nations by NGOs and victims.
- ii. Opinions from the United Nations.
- iii. Reports from diverse NGOs and human rights groups, including Amnesty, Human Rights Watch, MENA Rights Group, the International Campaign for Freedom in the United Arab Emirates, amongst others.
- iv. Press reports from credible news sources including The Guardian, Telegraph, Times, etc.
- v. US State Department reporting.
- vi. UK government documentation.
- vii. Press reports concerning women detained or otherwise mistreated in the UAE.

In addition to the evidence above, the legal advisors to the Fact-finding Panel have conducted open-source investigations, taken witness statements from individuals who have been detained in the UAE and/or otherwise had their rights infringed, sought contributions from civil society and NGOs including Amnesty, MENA Rights Group and others, conducted an Open Evidence Session as well as invited the governments of both the UK and the UAE to participate.

This Report endeavours to be an impartial document and reaches its conclusions on the balance of probabilities.

COMPOSITION OF THE PANEL

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The members of the Panel are as follows:

Sir Peter Bottomley MP – Chair



Sir Peter Bottomley is the Conservative MP for Worthing West, and has been an MP continuously since 26th June 1975. He is Father of the House of Commons. His Select Committee service has included Overseas Aid, Violence in the Family, Transport, Constitutional Affairs and Justice and the High Speed Rail Bill, HS2. Sir Peter was a junior minister for a total of six years. During this period his responsibilities included Employment, Transport casualty reduction and in Northern Ireland Agriculture and Environment. Successful campaigns included substantially bringing down drink driving casualties nationwide. His unpaid interests have included chairing the Church of England Children's

Society, being a trustee of Christian Aid and NACRO and a patron of Coastal West Sussex Mind. He founded the Family Forum and was a member of the Transport House branch of the Transport and General Workers' Union. Sir Peter's interest in human rights include working on behalf of the currently imprisoned Krishna Maharaj, who has spent over 30 years in prison in the United States for a crime he did not commit. Sir Peter has also actively advocated for better protections of human rights for people across the Middle East, with special interests in Bahrain, where he has assisted with high profile campaigns against convictions based on confessions obtained through torture.

Debbie Abrahams MP – Panellist



Debbie Abrahams is the Labour MP for Oldham East and Saddleworth, and she has been an MP continuously since 13th January 2011. Debbie is a former Public Health consultant and a Fellow of the Faculty of Public Health. Debbie chaired the Parliamentary Labour Party's Health Committee, leading the inquiry which reviewed the effectiveness of internal health systems in improving equality and equity, which contributed to Labour health policy. Debbie was also a member of Labour's Health Quality Commission and one of the elected PLP representatives on the National Policy Forum. Debbie is a member of the Work and Pensions Select Committee and was also a member between 2011 and

2015 until her appointment as Shadow Minister for Disabled People. Debbie was appointed Shadow Secretary of State for Work and Pensions in 2016 and held this position until 2018. Debbie is also co-Chair of the All-Party Parliamentary Group on Dementia, Chair of the APPGs on Health in all Policies, Universal Credit and on Kashmir. She is also a vice-chair of the APPGs on Afghanistan, Coronavirus, Disability, a Green New Deal, Palestine and Race and Community.

Baroness Helena Kennedy QC – Panellist



Helena Kennedy QC, Baroness Kennedy of the Shaws is a barrister, broadcaster and member of the House of Lords. Baroness Kennedy served a Principal of Mansfield College, Oxford, between 2011 and 2018. In her role as a barrister, Baroness Kennedy practiced predominantly in criminal law, undertaking leading work of all kinds. She was Chair of the Human Genetics Commission, President of the School of Oriental and African Studies at the University of London. She is a leading and frequent broadcaster and journalist on law and women's rights.

Rhys Davies – Legal Counsel to the Panel

Rhys Davies is a leading international criminal law and human rights law barrister. Rhys has a wealth of experience of in-country legal advice and assistance, most recently in the West Bank, and has a specific interest in the Middle East. He is a member of the List of Counsel for the International Criminal Court, the Kosovo Specialist Chambers and the Special Tribunal for Lebanon. Rhys is recommended as a leading individual in the Legal 500 guide.

Ben Keith – Legal Counsel to the Panel

Ben Keith is a leading specialist barrister in international law, extradition, immigration and human rights. He has extensive experience of appellate proceedings and applications and appeals to the European Court of Human Rights and United Nations. Ben regularly acts for clients based around the world who seek his advice on strategy in litigation. He is sought after to represent politically exposed persons and High Net Worth individuals. He has significant expertise in the challenge and removal of INTERPOL Red Notices. He is a member of the List of Counsel for the International Criminal Court and Kosovo Specialist Tribunal in the Hague. He recently presented at the UN conference on Reparations in Doha, Qatar. Ben writes and provides legal commentary to national and international media including: Guardian, Times, New Statesman, Independent, BBC, ITV, Channel 4, Sky, CNN and Al Jazeera.

THE EVIDENCE PRESENTED TO THE PANEL

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In addition to the detailed Open Evidence Session which took place on 20th July 2021, the Fact-Finding Panel has been presented with a broad spectrum of other evidence, largely of an open-source nature. That evidence has been collated and considered on a thematic basis and the totality of the same is set out in the bundle of evidence appended to this Report.

Concerning the rule of law in the UAE, the report has considered a number of reports from leading sources including the Human Rights Watch World Report 2021, a report from the Gulf Centre for Human Rights – Torture in the United Arab Emirates: *The Tolerance Charade 2021*, Amnesty International’s most recent global report as well as the US State Department’s 2020 Country Report on Human Rights Practices. We have also considered various other reports from other NGOs as well as a number of United Nations Human Rights Council reports.

The Panel also considered discrimination in the UAE in broad terms and have been presented with reports and documents from ICF UAE, MENA Rights Group and various United Nations submissions.

Considering the specific question of discrimination against women including British women in the UAE, the Panel have had consideration to Human Rights Watch’s submission to the Committee on the Elimination of Discrimination against Women (CEDAW) in the United Arab Emirates, 2021, amongst other documents. The Panel has also given consideration to press reports of British women detained in the UAE. We have considered press reports from the Daily Telegraph and other publications relating to the arrest of Asa Hutchinson. The Panel has considered press reports relating to Caitlin McNamara’s case in The Guardian, Telegraph and elsewhere. The Panel has also had its attention drawn to press reports in the Telegraph, Financial Times and other newspapers relating to Tiina Jauhiainen’s case. The Panel has also had its attention drawn to press reports in broader terms relating to other British women who have been arrested, detained or otherwise had their rights breached in the UAE.

We have had our attention drawn to a Freedom of Information Act request which was answered as long ago as 11th October 2016. That answer noted that the FCO Consulate Director was aware of allegations made by 28 British nationals of torture and mistreatment in UAE prisons between September 2011 and the date of the question. No breakdown was given by way of gender in that answer. The figure was said to be less than six. However, that answer also notes that the Foreign Office could not “provide figures for

either the number of women who have complained that they have been prevented access to a lawyer, or for those who have complained that they have not received a fair trial as to do so would require manual search of approximately 1,350 case files.... The inference therefore at that time was that the Foreign Office had recorded more than 1,350 UK women detentions in the UAE over the preceding five or so years.

On 24th May 2021, Counsel to the Fact-Finding Panel sought information pursuant to a Freedom of Information Act request, confirmation of whether or not the Foreign, Commonwealth and Development Office held information regarding complaints of mistreatment of British nationals and their families by the United Arab Emirates. In particular, confirmation was sought as to whether or not individuals had complained of arbitrary detention, torture and other breaches of rights. However, that request was turned down on the basis that the cost of dealing with the same would exceed the appropriate cost limit for public authorities.

For completeness, the Panel's attention has been drawn to the following principal documents and evidence, amongst others:

- *Human Rights Watch - World Report 2021: Events of 2020*¹⁶, a report assessing spectrum of human rights concerns, including: "Prisons across the UAE held detainees in dismal and unhygienic conditions, where overcrowding and lack of adequate medical care is widespread. With the onset of the Covid-19 pandemic, detainees and prison staff were at heightened risk of contracting the virus."
- *Gulf Centre for Human Rights - Torture in the United Arab Emirates: The Tolerance Charade, 2021*¹⁷. The report details and criticises human rights violations that take place inside Emirati prisons, with a particular focus on Al-Razeen prison, including the use of electric shocks and solitary confinement. The report captures information from a number of original sources.
- *Amnesty International – Global Report 2020*¹⁸. The report provides a country-by-country update on human rights issues. UAE issues include: at least 10 people continue to be arbitrarily detained after completing their sentences; more than 25 prisoners of conscience remain in jail following peaceful protest; women remain unequal to men under Emirati law; courts continue to issue the death penalty, mostly against foreign nationals for violent crimes.
- *U.S. Department of State - 2020 Country Reports on Human Rights Practices: United Arab Emirates*¹⁹. A far-reaching documentation of the state of affairs in the UAE across all areas of governance and society. Regarding women, the report concludes that women in general face legal and economic discrimination, with noncitizen women at a particular disadvantage. Further, the report documents that the government excluded women from certain social and economic benefits, including land grants.
- *Human Rights Watch – UAE: Dangerous Disregard for Rule of Law, 2020*²⁰, an article which outlines human rights violations by the UAE against freedom of expression. Human Rights Watch uses information gathered on the treatment of several individuals detained by UAE authorities as well as outlining discrimination against groups including women and migrants. Further, the article highlights discriminatory legislation against same-sex relations: "Different emirates in the UAE have laws that criminalize same-sex sexual relations. In Abu Dhabi, "unnatural sex with another person" can be punished with up to 14 years in prison. Article 177 of Dubai's penal code punishes consensual sodomy by imprisonment up to 10 years."

16 <https://www.hrw.org/world-report/2021>

17 <https://www.gc4hr.org/report/download/136>

18 <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

19 <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/>

20 <https://www.hrw.org/news/2020/01/14/uae-dangerous-disregard-rule-law>

- *Human Rights Watch – World Report 2020: Events of 2019*²¹. A country-by-country report covers several areas of concern with regards to human rights abuses in the UAE. The coverage includes details of unlawful attacks and detainee abuse in Yemen: “A United Nations report released on September 3, 2019 by the Group of Eminent Experts on Yemen, appointed by the UN High Commissioner for Human Rights, said UAE-backed forces and armed groups committed grave abuses including enforced disappearances, arbitrary arrests and detention, and torture and other ill-treatment, including rape and other forms of sexual violence.” The report states that during 2018 and continuing into 2019, UAE and UAE-backed forces have used threats and intimidation to prevent journalists in Aden who were critical of UAE of accessing areas under their control.
- *United Nations - Compilation on the United Arab Emirates: Report of the Office of the United Nations High Commissioner for Human Rights, 2018*²². A compilation of information contained in other UN reports. Among several collated recommendations was for the UAE to establish a national human rights institution in accordance with the Paris Principles. Regarding the administration of justice, the compilation notes that: “The Special Rapporteur [on independence of judges and lawyers] was seriously concerned about reports indicating that the prosecution services were often influenced by members of the executive. [...] The Special Rapporteur stated that the federal system was complex and could be difficult to understand, in particular for non-nationals, and there appeared to be a lack of consistency in the application of federal laws across the different Emirates.”
- *United Nations - National Report: United Arab Emirates, 2017*²³. The third periodic review focusing on the implementation of human rights recommendations accepted by the UAE government. The report is submitted by a committee: “... whose membership is drawn from a number of governmental and local authorities and from civil society institutions, monitors the implementation of Human Rights Council recommendations and conducts its work in accordance with a national plan adopted with a view to monitoring the fulfilment of the Government’s commitments in connection with the universal periodic review process.” The far-reaching review includes details of steps taken by the UAE to improve its approach to protecting human rights.
- *United Nations - Report of the Special Rapporteur on the independence of judges and lawyers, 2015*²⁴. Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, following her official visit to the UAE in 2014: “During her visit, the Special Rapporteur met with a number of senior government officials at the Federal Ministries of Justice, the Interior, and Foreign Affairs, and the Abu Dhabi Judicial Department, as well as the Chief Justice of the Federal Supreme Court, federal and local judges, the Attorney General, and members of the federal and local public prosecution offices. She also met with lawyers and members of the diplomatic community and civil society.”
- *United Nations – UN human rights expert urges the United Arab Emirates to strengthen the independence of its judiciary*²⁵. A summary of the report by UN Special Rapporteur on the independence of judges and lawyers.
- *ICF UAE - Despite Poor Human Rights Record, UAE announces National Human Rights Institution, 2021*²⁶. The Gulf-based human rights group highlight ongoing human rights violations upon the announcement of new laws providing for the establishment of a national human rights institution in UAE.

21 <https://www.hrw.org/world-report/2020>

22 <https://digitallibrary.un.org/record/1325999>

23 <https://digitallibrary.un.org/record/1326777>

24 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_26_Add_2_ENG.DOCX

25 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14237>

26 <https://icfuae.org.uk/news/despite-poor-human-rights-record-uae-announces-national-human-rights-institution>



- *ICF UAE – Munasaha Centres: Indefinite Detention of Prisoners of Conscience in UAE, 2021*²⁷ Information concerning nine Emirati prisoners in de facto detention. The prisoners are held in ‘Munasaha Centres’, or counselling centres, which are located within UAE prison estates. Several cases of human rights violations are documented including arbitrary detention and no access to legal counsel.
- *Human Rights Watch – The Persecution of Ahmed Mansoor, 2021*²⁸. An in-depth report on the arbitrary detention of human rights activist Ahmed Mansoor. The report includes a number of recommendations to the UAE authorities including: “Given the UAE’s inability or unwillingness to conduct a credible investigation into the prison authorities’ and state security agency’s treatment of Ahmed Mansoor, allow an independent, international body access to the country to conduct a thorough independent and impartial investigation into Ahmed Mansoor’s arrest, trial, and prison conditions.”
- *Office of the United Nations High Commissioner for Human Rights – UAE: UN Expert condemns long-term detention of human rights defenders, 2021*²⁹. Summary of a letter to UAE authorities from Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders: “There are worrying allegations that they are subjected to long periods in solitary confinement, which could amount to torture,” Lawlor said. Other allegations include authorities turning off the air conditioning as temperatures rose above 40°C, and windows being covered, preventing prisoners from seeing sunlight.”
- *MENA Rights Group - The use of Munasaha “Rehabilitation” Centres in the UAE: An in-depth analysis, 2020*³⁰. An analysis of counselling centres used by UAE authorities to arbitrarily detain human rights defenders and other accused of dissent. Of several human rights abuses documented in the analysis, the following excerpt concerns the violation of due process: “Our research indicates that the majority of the individuals whose testimonies we obtained have not had the opportunity to appear before the court in

27 <http://icfuae.org.uk/research-and-publications-factsheets/factsheet-uaes-munasaha-centres>

28 <https://www.hrw.org/report/2021/01/27/persecution-ahmed-mansoor/how-united-arab-emirates-silenced-its-most-famous-human>

29 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27158>

30 <http://menarights.org/en/documents/use-munasaha-rehabilitation-centres-united-arab-emirates>

relation to the judgements to detain them on the grounds that they still posed a “terrorism threat”. In addition, we have been informed by local sources that the majority of the individuals were not presented with said judgements prior to their detention at Al Razeen Munasaha centre.”

- *ICF UAE - Factsheet: Maryam Al-Balushi and Amina Al-Abdouli, 2020³¹*. Information on two women detained arbitrarily by UAE authorities. Twenty-one-year-old Al Balushi was arrested by police without a warrant in 2015 and detained in an undisclosed location. Later she was charged with financing terrorism in relation to a donation she made to a Syrian family. In 2017 Al Balushi was sentenced to five years in prison. In 2019 new charges of spreading false information and harming the country’s reputation were brought against Al Balushi after efforts to share information of her detention conditions with the UN. MENA Rights Group reports that Al Balushi “has been held, at times, in solitary confinement and subjected to humiliating conditions, including surveillance cameras placed inside her bathroom. In addition, she has been subjected to abuse by other inmates.” In March 2020, Al-Balushi attempted suicide in Al-Wathba prison after going on hunger strike in protest against her treatment there. The factsheet also includes details of Amina al-Abdouli. Her sentence expired in November 2020 and she continues to be detained indefinitely in a counselling centre under anti-terrorism laws.
- *Human Rights Council Working Group on Arbitrary Detention - Opinion No. 61/2020 concerning Amina Mohammed al-Abdouli and Maryam Suliman al-Balushi (United Arab Emirates, 2020³²*. This opinion details the arrest, secret detention and torture of two women. Amina Mohammed Al-Abdouli, a 40-year-old teacher and mother of five children is a national of the United Arab Emirates. The Opinion states: “The source alleges that while she was secretly detained, Ms. Al-Abdouli had been subjected to severe acts of torture, including being stripped naked, beaten, blindfolded, bound at the feet and deprived of sleep. After three months of detention, she began to experience a loss of sight in her left eye owing to repeated beatings. Ms. Al-Abdouli undertook several hunger strikes to protest against her treatment. At no point was she granted access to legal counsel”. The opinion then provides details of the mistreatment of Maryam Suliman al-Balushi
- *Global Detention Project - UAE Immigration Detention Profile, 2020³³*. The report provides a detailed overview of immigration detention infrastructure and concerns, including length of detention, adherence to international norms and human rights organisations’ access to information.
- *GCHR, ICF UAE, ISHR, WOAT - Joint Submission on the United Arab Emirates to the 71st Session of the UN Committee Against Torture, 2020³⁴*. An in-depth report by four human rights groups on the UAE and torture, the introduction outlines that: “Under the pretext of national security, the UAE authorities have subjected human rights defenders and activists to arbitrary arrest, enforced disappearance, prolonged isolation, torture and other ill-treatment, unfair trials and harsh prison sentences, solely for their peaceful human rights activities, including engaging with United Nations mechanisms”
- *Association for Victims of Torture in the UAE – Open Letter – UAE: Freedom of expression must be upheld at all times, not only tolerated during Hay Festival Abu Dhabi, 2020³⁵*. The open letter criticises the Emirati authorities’ systematic repression of peaceful dissent by human rights defenders, writers, bloggers, poets and academics.

31 <https://icfuae.org.uk/research-and-publications-factsheets/factsheet-maryam-al-balushi-and-amina-al-abdouli>

32 https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_61.pdf

33 <https://www.globaldetentionproject.org/wp-content/uploads/2020/11/United-Arab-Emirates-Immigration-Detention-Data-Profile-2020.pdf>

34 <https://www.icfuae.org.uk/research-and-publications-reports/joint-submission-united-arab-emirates-71st-session-un-committee>

35 <http://www.avtuae.org/en/2020/02/24/open-letter-uae-freedom-of-expression-must-be-upheld-at-all-times-not-only-tolerated-during-hay-festival-abu-dhabi/>

- *United Nations – Reference UA ARE 2/2019 Appeal of UN Special Rapporteur to Government of UAE, 2019*³⁶. UN Working Group on the issue of discrimination against women in law and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment called on UAE authorities for information regarding three female nationals serving sentences in Abu Dhabi's Al-Wathba prison.
- *Migrant Rights – UAE: New Draft of Domestic Worker Law pending approval, 2017*³⁷. An overview and analysis of new legislation aimed at improving the rights of domestic workers in the UAE: "The law outlines more categories of domestic work, which is an important step towards identifying domestic workers as employees with specific sets of skills and tasks, rather than servants". Considering the shortcomings of the drafted legislation the report asserts that: "Even when laws provide more protections and rights for domestic workers, they still preserve a power imbalance that favours the employer. Some of this power imbalance is de facto – employers often speak the language of law enforcement with more fluency than workers and have the financial means to fight harder. But a good law is written cognizant of its enforcement environment and should take into consideration the practical limitations that workers face not only in reporting abuse but in accessing justice. And of course, should protect workers from employment abuses in the first place."
- *UAE Embassy in Washington, DC - Women in the UAE, 2021*³⁸. Brief and generalised information including statistics of women in business and government.
- *GCENR, Equality Now, ISI – Joint submission to CEDAW 80th pre-sessional working group, 2021*³⁹. The letter focuses on violations of women's' nationality rights, violation of women's fundamental freedoms, discriminatory laws and practices and the harmful practice of Female Genital Mutilation. Regarding torture, the report concludes that whilst prohibited by the Constitution, reports of torture are still made, particularly for suspected state-security violations. Further, Sharia Courts may legitimately issue corporal punishments including flogging. Torture is reportedly used to induce signed confessions.
- *Ola Salem - The Middle East's Progressive Darling Abuses Its Women, 2021*⁴⁰. The article details the oppression faced by Princess Latifa Al Maktoum at the hands of her father, Sheikh Mohammed Bin Rashid Al Maktoum following the recent surfacing of videos of her, having not been seen since 2018.
- *Human Rights Watch - UAE: Greater Progress Needed on Women's Rights Significant Discrimination Against Women, Girls in Law and Practice, 2021*. Following international press coverage of legislation reforms in the UAE, the human rights organisation highlights ongoing discrimination against women despite the reforms.
- *Human Rights Watch - Submission to the Committee on the Elimination of Discrimination against Women Review of UAE, 2021*. Human Rights Watch has documented numerous incidents of enforced disappearances by the UAE in recent years, including the case of three Emirati sisters who were forcibly disappeared in 2015 after posting comments critical of the government on social media.
- *MENA Rights Group - Coalition of NGO's calls on Hilary Clinton and the Georgetown Institute for Women, Peace, and Security to withdraw from UAE-sponsored Event, 2020*⁴¹. An appeal to the Secretary, Ambassador and Research Fellow of the Georgetown Institute for Women to end its partnership with

36 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24341>

37 <https://www.migrant-rights.org/2017/03/uae-new-draft-of-domestic-worker-law-pending-approval/>

38 <https://www.uae-embassy.org/about-uae/women-uae>

39 https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/3533/attachments/original/1616586564/CEDAW_PSWG_UAE_Joint_Submission-GCENR_ISI_EN_%282%29.pdf?1616586564

40 <https://foreignpolicy.com/2021/02/22/dubai-uae-princess-the-middle-east-s-progressive-darling-abuses-its-women/>

41 <https://menarights.org/en/articles/coalition-ngos-calls-hillary-clinton-and-georgetown-institute-women-peace-and-security>



the UAE based on details of gross violations of international human rights and humanitarian law in the UAE with particular focus on abuse and discrimination against women.

- *Human Rights Watch - UAE: Woman Prisoner Reportedly Attempts Suicide, 2020*⁴². Information on the suicide attempt of a young woman detained by the UAE since 2015 on charges of spreading false information. The charges were brought following the young woman sending information to the UN about her treatment in prison while serving a sentence for charges related to sending money to a Syrian family.
- *Committee on the Elimination of Discrimination against Women - Fourth periodic report submitted by the United Arab Emirates under Article 18 of the Convention, 2019*⁴³. Report on, among other matters, the implementation of articles of the Convention.
- *Amnesty International - Human Rights in the Middle East and North Africa, 2019*⁴⁴. Overview of the UAE's approach to human rights with regards to, inter alia, the warfare in Yemen, women's rights, and freedom of expression.
- *Amnesty International - Six months after her capture at sea, Sheikha Latifa al Maktoum still held incommunicado, 2018*⁴⁵. An overview of the situation as it was concerning the disappearance of the daughter of Sheikh Mohammed bin Rashid Al Maktoum, the Vice President and Prime Minister of the UAE and Ruler of the Emirate of Dubai.

42 <https://www.hrw.org/news/2020/03/13/uae-woman-prisoner-reportedly-attempts-suicide>

43 <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d/PPRiCAqhKb7yhsgcjdM0xgERNaIXh22nhTUmztTKr+ZiBxHOzsCBrRcY18Th3Q0/1EHjd6n2FH25D0dWCFQifwnDG/MgGHL2/NkiXDUB63b3yue4MGP9+Gw>

44 <https://www.amnesty.org/en/latest/campaigns/2020/02/human-rights-middle-east-north-africa-review-2019/#:~:text=Human%20Rights%20in%20The%20Middle%20East%20And%20North,human%20rights%3A%20social%20justice%2C%20dignity%2C%20and%20political%20freedom.>

45 <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE2589772018ENGLISH.pdf>

- *Office of the United Nations High Commissioner for Human Rights – UA ARE 2/2017 Report of the Office of the United Nations High Commissioner for Human Rights, Compilation of the United Arab Emirates*⁴⁶, 2017. A compilation of UN information used to draft the National Report. The Committee on the Elimination of Discrimination against Women detailed concern that hundreds of women were reportedly serving sentences after being convicted of having sexual intercourse outside of marriage. The Committee also noted concerns about the discriminatory treatment of women in court, especially foreign women, with lack of interpretation services, legal aid, and the disproportionately severe sentences imposed on foreign women in criminal court proceedings.
- *Americans for Democracy and Human Rights in Bahrain - Living as Commodities: Human and Sex Trafficking in the GCC*⁴⁷. In-depth report on human trafficking across the Gulf, including in the UAE.
- *Redress - Submission to the 62nd Committee on the Elimination of discrimination Against Women for Consideration of the Combined Second and Third Periodic Reports of the UAE*⁴⁸, 2015. The report focuses on concerns regarding UAE's legal framework and the treatment of women by UAE authorities in particular domestic violence, divorce and child custody, equality before the law and conditions of female detainees. The report documents detention conditions for women being poor, unsanitary and overcrowded. The report specifically cites Al-Wathba prison in Abu-Dhabi, including a number of individually reported cases. With regards to the conduct of proceedings in Arabic without interpretation, the report notes that: *"Although defendants in criminal proceedings in the UAE have a procedural right to an interpreter, this does not always happen in reality. One of REDRESS' clients, who was charged with a crime in the UAE, has said that she did not have access to an interpreter after her arrest, during the criminal proceedings or at any time after conviction in detention. This is an example of how foreign women may be doubly disadvantaged in legal proceedings in the UAE."*
- *Office of the United Nations High Commissioner for Human Rights – ARE 2/2014 Mandates of the Working Group on the issue of discrimination against women in law and in practice and the Special Rapporteur on violence against women, its causes and consequences*. A letter to the President of the UAE raising concerns and requesting information about a female Norwegian national allegedly detained in the UAE after reporting to the police that she had been the victim of rape.
- *Human Rights Watch - UAE: Weak Protection Against Domestic Violence (Victims Rebuffed, Prosecuted, Lose Cases over Children)*⁴⁹. Research by the human rights organisation on three cases in which UK nationals married to expatriates in the UAE who were discouraged from reporting domestic violence by UAE police officials and whose complaints were not investigated.

46 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/338/95/PDF/G1733895.pdf?OpenElement>

47 https://www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

48 <https://redress.org/publication/submission-to-cedaw-for-the-consideration-of-the-combined-second-and-third-periodic-reports-of-the-united-arab-emirates/>

49 <https://www.hrw.org/news/2014/08/04/uae-weak-protection-against-domestic-violence>

HUMAN RIGHTS IN THE UNITED ARAB EMIRATES: AN OVERVIEW



In order to be recognised by the international community, NHRIs must adhere to the Paris Principles which include developing relations with non-governmental organisations devoted to promoting and protecting human rights. Meaningful progress here may address critical comment from organisations such as Human Rights Watch, which reported in 2021⁵⁶ that *“The UAE blocked representatives of international human rights organizations and UN experts from conducting in-country research and visiting prisons and detention facilities..*

Whether the UAE will be granted membership to the Global Alliance of NHRIs is yet to be seen, but the announcement augments the country’s aspiration for international validation of its approach to human rights. The UAE is party to diverse human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁵⁷. At a regional level the United Arab Emirates ratified the Arab Charter on Human Rights in 2008.

Nonetheless, the Panel is aware that numerous non-government groups highlight ongoing human rights violations within the UAE. One of these groups, the International Campaign for Freedom in the UAE (ICFUAE), covered the NHRI announcement⁵⁸ by setting out that:

“... more than 200 political prisoners are still held in UAE jails for their peaceful and legitimate human rights advocacy. In numerous instances, the UAE government has tortured human rights defenders and activists in custody and has denied their citizens the right to a speedy trial and access to counsel during official investigations.”

56 <https://www.hrw.org/world-report/2021/country-chapters/ united-arab-emirates>

57 [https://sp.mofaic.gov.ae/EN/TheUAE/Pages/UAE-and-Human-Rights.aspx#:~:text=The%20UAE%20is%20a%20party,year%20of%20ratification%20or%20accession\)%3A&text=Convention%20on%20the%20Rights%20of,Disabilities%20\(CRPD\)%20\(2010\)](https://sp.mofaic.gov.ae/EN/TheUAE/Pages/UAE-and-Human-Rights.aspx#:~:text=The%20UAE%20is%20a%20party,year%20of%20ratification%20or%20accession)%3A&text=Convention%20on%20the%20Rights%20of,Disabilities%20(CRPD)%20(2010))

58 <http://icfuae.org.uk/news/despite-poor-human-rights-record-uae-announces-national-human-rights-institution>

The former UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, reported that she was informed by authorities during her visit in 2014⁵⁹ that:

“... over the past few years, more than 200 complaints relating to torture and/or ill-treatment had been presented before judges and/or prosecutors, but that those complaints had not been received or registered, and consequently not been taken into account in judicial proceedings.”

The World Report on events of 2019 in the UAE by Human Rights Watch⁶⁰ includes details of its kafala system (visa-sponsorship) that, despite labour law reforms, continues to bind migrant workers' visas to their employers. Under the kafala system punishment for leaving an employer without permission includes fines, prison and deportation. Human Rights Watch highlights that the kafala system leaves swathes of migrant workers vulnerable to forced labour.

Migrant-Rights.org is a Gulf Corporation Council based advocacy organisation that aims to advance the rights of migrant workers, in a 2017 report on reforms to domestic workers' rights⁶¹ it states that:

“... with severely restricted journalistic freedoms, and further, with laws that criminalise anything to be seen as supporting an absconded worker, or anything perceived as “defamatory,” we only have the government’s reporting to benchmark progress. While stories of gruesome physical abuse do make their way to papers, as do occasional, opinion pieces on domestic workers, there is extremely limited freedom to criticise or even monitor government enforcement. The new law, if enforced, includes markedly progressive elements. But without transparency, the weight of their effect is unknown.”

The lack of rights for low-paid workers stands in contrast to legislative reforms designed to attract foreign investment. In September 2021 the UAE announced reforms to residency rules as part of a set of economic initiatives. The Financial Times reports⁶² that the measures include:

“... new visa categories for freelancers and entrepreneurs, allowing skilled workers greater flexibility in sponsoring family members and more time to find a job if made redundant before being required to leave the country”

With consideration to those foreign nationals at the other end of the economic spectrum, the former UN Special Rapporteur on the independence of judges and lawyers reported concerns about, inter alia, vastly unequal access to justice for UAE residents⁶³:

“... access to justice for vulnerable members of the population, such as migrant workers, domestic workers and stateless persons, who are also known as Bidoons. They face serious obstacles in accessing the justice system, which include the lack of legal identity in the case of Bidoons”

In 2014 the Global Detention Project documented that 87.8 per cent of the prison population were foreign nationals⁶⁴. Amnesty International reported in 2020 that⁶⁵:

59 [A/HRC/26/32 - E - A/HRC/26/32 -Desktop \(undocs.org\)](https://undocs.org/A/HRC/26/32-E)

60 <https://www.hrw.org/world-report/2020>

61 <https://www.migrant-rights.org/2017/03/uae-new-draft-of-domestic-worker-law-pending-approval/>

62 <https://www.ft.com/content/d68ff456-b8eb-4724-8494-a84dd32b95fb>

63 [A/HRC/26/32 - E - A/HRC/26/32 -Desktop \(undocs.org\)](https://undocs.org/A/HRC/26/32-E)

64 <https://www.globaldetentionproject.org/countries/middle-east/united-arab-emirates>

65 <https://www.amnesty.org/en/location/middle-east-and-north-africa/united-arab-emirates/report-united-arab-emirates/>

“... the estimated 20,000-100,000 stateless people born in the UAE continued to be deprived of equal access to rights covered for Emirati citizens at state expense, such as state-subsidized health care, housing and higher education, or jobs in the public sector. Access was dependent on proof of citizenship and stateless people were denied recognition as citizens, despite most of them having roots in the UAE going back generations.”

The Panel is aware that UAE declared 2019 the “Year of Tolerance” and has since reformed several pieces of legislation marking a shift towards a more tolerant legal system and becoming a global “soft power”⁶⁶. Legislative changes to the country’s “Personal Status” laws included lifting a ban on the co-habitation of unmarried couples, loosening regulations on alcohol consumption, toughening laws against sexual harassment, and decriminalising suicide attempts. These reforms, aimed at strengthening the country’s globalised brand to attract foreign business and investment were duly picked up by international journalists, however, press coverage presented a high degree of scepticism, such as this 2020 Guardian article⁶⁷:

“... the executive director of Human Rights Watch, described the changes as ‘positive steps for women’s rights’ but also raised concerns about the daughters of Dubai’s ruler, Sheikh Mohammed bin Rashid al-Maktoum. A UK family court this year found he had orchestrated the abductions of two of his children - one from the streets of Cambridge - and subjected his youngest wife to a campaign of ‘intimidation’.”

Within the UAE, freedom of expression, freedom of association and freedom of religion, remain profoundly restricted. In June this year, Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders, appealed to UAE authorities⁶⁸ to release three human rights defenders currently serving 10-year prison sentences for peaceful political dissent which have been declared arbitrary by the UN Working Group on Arbitrary Detention:

“Not only have Mohamed Al-Roken, Ahmed Mansoor and Nasser Bin Ghaith been criminalized and imprisoned for their non-violent and legitimate calls for respect for human rights in the UAE, they have been subjected to ill-treatment in prison ... Reports I have received indicate that the conditions and treatment that these human rights defenders are subjected to, such as prolonged solitary confinement, are in violation of human rights standards and may constitute torture.”

The US Department of State’s 2020 Country Report on Human Rights Practices in the UAE⁶⁹ sets out that:

“... the law prohibits criticism of national rulers and speech that may create or encourage social unrest. The government restricted freedom of speech and the press. The media conformed to unpublished government guidelines. Editors and journalists were aware of government “red lines” for acceptable media content, stipulated in federal libel and slander laws. On other socially sensitive issues, they commonly practiced self-censorship.”

Reporters without Borders ranks the UAE as 131st in the world for press freedom out of 180 countries⁷⁰, and comments that:

“The United Arab Emirates has become proficient in the online surveillance of journalists, who often fall victim to its 2012 cyber-crime law. Very minimal criticism of the regime by journalists or bloggers is likely to lead to charges of defamation, insulting the state or posting false information aimed at damaging the country’s reputation, with the possibility of long jail terms and mistreatment in prison.”

66 <https://www.thenationalnews.com/uae/pioneer-uae-ranked-strongest-middle-east-soft-power-1.984008>

67 <https://www.theguardian.com/world/2020/nov/07/united-arab-emirates-to-relax-islamic-laws-on-personal-freedoms>

68 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27158&LangID=E>

69 <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/united-arab-emirates/>

70 <https://rsf.org/en/united-arab-emirates>



MENA Rights Group published the names of 11 critics and activists held in de facto detention at Munasaha Centres, or “counselling” centres, by the UAE⁷¹. Between 2016 and 2019 counterterrorism laws were passed including provisions for the establishment of Munasaha Centres with a mandate for providing rehabilitation programmes to persons with ‘terrorist, extremist or deviant ideologies’. MENA Rights Group drew attention to the vague legal definition of ‘terrorism’ which includes the expression of opposition to the State. Munasaha Centres have no maximum duration for detention, and it is reported that critics and opposition leaders are transferred there indefinitely despite having served their original sentences.

The ICFUAE have reported⁷² that the “*use of indefinite detention highlights the UAE authorities’ continuous systemic oppression of political dissent*”. Once a dissident’s sentence has been served, the public prosecution seeks a ruling from the Federal Appeal Court under anti-terrorism laws to place the prisoner in a Munasaha Centre for a period of time which can then be extended indefinitely. The ICFUAE documents that:

“ In some instances, prisoners are not even brought before a judge and their indefinite detention is an administrative decision. When a prisoner is brought before a judge, the typical characteristics of a trial are not present: the hearing occurs over the course of a single day and the prisoner is unable to hire a lawyer. In essence, the public prosecution requires the prisoner to give evidence that he no longer has a ‘terrorist ideology’.”

A joint submission to the 71st Session of the UN Committee Against Torture by four international human rights organisations in June 2020⁷³ stated:

“ The reaction of the UAE authorities to complaints of torture of human rights defenders has typically been to deny the reports, or ignore them completely, even if complaints have been raised by the UN.”

71 https://menarights.org/sites/default/files/2020-06/UAE_General_Allegation_Report_18062020.pdf

72 <http://icfuae.org.uk/sites/default/files/ICFJAE-Munasaha%20Centres.pdf-23-04-2021.pdf>

73 https://www.omct.org/files/2020/06/25925/uae__joint_ngo_submission_to_cat__26_june_2020_en.pdf

As the UAE responds to mounting pressure from international institutions by drafting new legislation for greater protection of human rights, undoubtedly these reforms have been welcomed by human rights groups. In 2021 Amnesty International documented that *“In September [2020], the UAE annulled Article 334 of the Penal Code, which had made “honour” killings punishable by as little as one month in jail.”*

This particular legislative reform removes the legal defence of so-called ‘honour killings’ which, until the reform, carried a reduced sentence. This legislative change attracted significant international press attention, often reported alongside the personal status law reforms around alcohol consumption. However, Human Rights Watch reported in March 2021⁷⁴ that the reformed protections for women did not go far enough:

“In November 2020, the UAE also repealed an article in the penal code that allowed men to receive lighter sentences for killing a female relative if they found them in the act of extramarital sex. However, families of the murder victim can waive their right to see the person punished in return for compensation (blood money) or choose to freely pardon them. In such cases, the accused can be subject to a minimum sentence of seven years in prison instead of life. When family members kill a woman, including in so-called “honor” killings, the victim’s family is also the family of the murderer and is likely to allow men to receive lighter sentences.”

Similar issues to gender discrimination within the judicial system have been identified with regards to discrimination against non-citizens. The former UN Special Rapporteur on the independence of judges and lawyers expressed concern that separation of powers is not explicitly guaranteed in the Constitution and was ‘especially concerned that the judicial system remains under the de facto control of the executive branch of government’⁷⁵. Further, it was noted that:

“The Special Rapporteur is concerned reported instances in which judges appear to have lacked impartiality and show bias, especially with regard to non-nationals of the United Arab Emirates. Among foreigners residing in United Arab Emirates, there seems to be perception that the domestic courts cannot be trusted, and more specifically that judges do not treat nationals in the same way as non-nationals. ... foreigners lack of confidence in the justice system is such that many of them don’t report crimes or abuses.”

This report does not set out a comprehensive critique of human rights in the UAE. The Panel is aware that NGOs such as Amnesty International and Human Rights Watch conduct detailed analysis of the human rights landscape in the UAE. Nevertheless, the Panel’s attention has been drawn to the evidence set out above, as well as the wealth of documentation that appears in the evidence bundle. In essence, it appears clear that the UAE is on the path to reform its human rights framework but has still some way to go on that journey.

74 <https://www.hrw.org/news/2021/03/04/uae-greater-progress-needed-womens-rights>

75 [A/HRC/26/32 - E - A/HRC/26/32 -Desktop \(undocs.org\)](https://www.unhcr.org/refugees/2021/03/04/uae-greater-progress-needed-womens-rights)



WOMEN IN THE UNITED ARAB EMIRATES: AN OVERVIEW

WOMEN IN THE UNITED ARAB EMIRATES: AN OVERVIEW



As set out elsewhere in this Report, the Panel has considered a broad spectrum of documentary resources, as well as the detailed evidence taken in the Open Evidence Session evidence. The Panel recognises that press reports, which may tend to sensationalise, can present a skewed picture of reality. It is also important to reiterate that this Report recognises that every country can do more to improve its attitude to human rights, and to the rights of women in particular. Indeed, Sir Peter Bottomley indicated during the Open Evidence Session that *“I don’t want any UAE person listening to think we aren’t aware of cases in Britain where things can go dramatically wrong, where MPs come in and take an interest”*.

It is convenient to commence any analysis of women in the UAE with regard to the Emirati government’s own stance. The Embassy of the United Arab Emirates in Washington DC emphasises that⁷⁶:

“The UAE is ranked as a leading country in gender equality in the region, according to the World Economic Forum’s 2020 Global Gender Gap report. This achievement comes from the fundamental belief that women and men are equal partners in society. Through a series of public and private sector initiatives, women are playing an increasingly stronger role in business, government and STEM fields.”

The UAE Embassy website goes on to state that:

“Gender equality is of paramount importance in the UAE, and the Constitution of the UAE guarantees equal rights of both men and women. Under the Constitution, women enjoy the same legal status, claim to titles, access to education, the right to practice professions, and the right to inherit property as men.”

In August 2021, the Secretary General of the General Women’s Union in the UAE, Noura Khalifa Al Suwaidi said that *“The women of the UAE are among the most empowered women in the world.”*⁷⁷

⁷⁶ <https://www.uae-embassy.org/about-uae/women-uae>

⁷⁷ <https://www.khaleejtimes.com/year-of-the-50th/emirati-women-among-the-most-empowered-in-the-world-says-uae-official>

The UAE, in common with most countries, has “set special policies, laws and initiatives to protect women and promote gender equality in all aspects of the society”⁷⁸. The UAE observes Emirati Women’s Day on 24th August, that also being the day of the foundation of the General Women’s Union. The GWU is the “national mechanism for women’s empowerment and leadership in the UAE”⁷⁹.

The Panel also notes the achievements of myriad successful and prominent UAE women⁸⁰ including Nora al Matrooshi, the UAE’s first female astronaut⁸¹, and has seen reports emphasising the UAE as an attractive destination for women in business⁸².

The Panel acknowledges that there have been significant reforms in recent months to the UAE’s Personal Status Laws. In November 2020, the UAE indicated amendment to Personal Status Laws allowing unmarried couples to cohabit and criminalising “honour killings”⁸³.

There is therefore a wealth of evidence tending to suggest that the UAE is supportive of women’s rights and is actively reforming its laws in support of the same.

Notwithstanding the above, this Report must also take into consideration voices which are critical of the apparent narrative above. The Fact-finding Panel is aware that Emirati government websites may be skewed in their perspective, as may be domestic press reports. The Panel has weighed that evidence against other international sources, including numerous reports from respective human rights NGOs. The Panel notes the conclusions of Human Rights Watch⁸⁴ in an analysis published in March 2021⁸⁵. Amongst other things, Human Rights Watch noted that:

“The (UAE) has made important women’s rights reforms in recent years, such as passing new domestic violence protections, but significant discrimination against women and girls remains, Human Rights Watch said today. Laws still provide male guardian authority over women and loopholes allow reduced sentences for men for killing a female relative.”

Further, Rothna Begum, Senior Women’s Rights Researcher at Human Rights Watch is quoted as saying:

“The UAE’s recent women’s rights reforms are a step in the right direction, but in truth they do not go far enough to dismantle the deep discrimination against women in law and practice.”

Human Rights Watch’s detailed analysis also set out that:

“In March 2020, a new domestic violence law came into effect that included provisions enabling women to obtain restraining orders against abusers. However, the law’s definition of domestic violence reinforces male guardians’ ability to discipline their wives, female relatives, and children to an extent that authorities find acceptable. The law also does not criminalize marital rape.

In 2019 and 2020, UAE authorities introduced minor amendments to the personal status law, but a woman in the UAE can still lose her right to financial maintenance from her husband if she refuses to have sexual relations with him without a “lawful excuse.

78 <https://u.ae/en/about-the-uae/human-rights-in-the-uae/women-rights-in-the-uae>

79 <https://gwu.ae/?lan=en>

80 <https://www.abouthere.com/node/8796/people/leading-ladies/10-emirati-women-powerful-positions>

81 <https://www.businessinsider.com/united-arab-emirates-names-nora-al-matroushi-first-female-astronaut-2021-4?r=US&IR=T>

82 <https://www.forbes.com/sites/joshsteimle/2014/11/10/doing-business-as-a-female-entrepreneur-in-the-united-arab-emirates/?sh=413b182e3124>

83 <https://www.aljazeera.com/news/2020/11/7/uae-announces-relaxing-of-islamic-laws-for-personal-freedoms>

84 <https://www.hrw.org/>

85 <https://www.hrw.org/news/2021/03/04/uae-greater-progress-needed-womens-rights>

A judge can also deem a woman in breach of her spousal obligations if she leaves the house or takes a job deemed outside “the law, custom, or necessity,” or if the judge considers it against the family’s interests. This change was made gender neutral but prevailing social norms mean judges are more likely to consider it unnecessary for a woman to work than a man, resulting in discrimination against women.”

Human Rights Watch also notes that the UAE’s employment laws exclude domestic workers, the disproportionate number of whom are women.

The Panel’s attention has been drawn to a detailed report by the BBC from February 2021 which sets out women’s rights in the UAE, in light of the Princess Latifa scandal⁸⁶.

The Panel also notes that whilst the World Economic Forum did indeed rank the UAE as the second best in the Middle East and North African region for gender equality, context is nonetheless important. In absolute terms, the UAE ranks particularly poorly, 120th out of 153 in the WEF’s Global Gender Gap Report. As the BBC article above also sets out, domestic abuse is another area in which women face particular discrimination. Whilst a requirement for women to be “obedient” to their husbands was revoked in law in 2019:

“The new law defines domestic violence as abuse or threats that “exceed [an individual’s] guardianship, jurisdiction, authority or responsibility” - meaning that a decision over whether to convict someone of domestic violence ultimately rests on a judge’s subjective opinion of whether the accused person was acting within their “authority”. So, in practice, protections for abuse victims are still weak.”

In its detailed submission to the United Nations in February 2021, Human Rights Watch⁸⁷ set out details of the legislative framework which continues to discriminate against women. By way of example, men may unilaterally divorce their wives, whereas women must apply for an Order of the Court. Women are still obliged to maintain a household and its contents. Article 71 of the Personal Status Laws provide that a woman can lose her right to financial maintenance from her husband if she refuses to have sexual relations with him without “lawful excuse”. Article 72 of the Personal Status Laws still provide that a Court may determine that a woman is in breach of her spousal obligations if she leaves the house or goes to work for a job deemed outside “the law, custom or necessity”.

Emirati laws still fail to criminalise marital rape. Whilst laws relating to so-called honour killings have been amended, men may still benefit from lighter sentencing for killing a female relative. Quoted by the BBC, Devin Kenney, Gulf Researcher for Amnesty International said:

“What seems to be happening is that the state is removing the most egregious things that it has written down, in its own words in its laws, on the statute books, that show an attitude hostile to gender equality...So we have tended to rely on what the state writes in its laws to illustrate what their attitudes towards gender questions are,” he adds. “And there’s still a lot of inequality in those laws themselves, even during this time of ostensible reform. So I would tend to be suspicious because this does not necessarily reflect any deep shifts in social attitudes or government attitudes.”

86 <https://www.bbc.co.uk/news/world-middle-east-56065527>

87 https://www.hrw.org/sites/default/files/media_2021/03/HRW%20UAE%20Submission%20February%202021.pdf



Whilst by no means a problem peculiar to the UAE, the Panel nevertheless notes reports indicating the spread of human and sex trafficking in the UAE⁸⁸. Recent reports from the US State Department indicate that whilst the government of the UAE is making significant efforts, it nevertheless “does not fully meet the minimum standards for the elimination of trafficking”. In 2019, the US State Department noted, amongst other things, that the Emirati government did not

“... meet the minimum standards in several key areas. Emirati labor law and some sponsorship reforms, including the ability to change employers or positions without sponsor objection, did not apply to domestic or private sector workers, and government law enforcement and victim protection efforts for labor trafficking remained weak. The government did not finalize implementing regulations for and strengthen enforcement of the domestic worker law that expands legal protections for domestic workers. It did not pursue criminal investigations against officials purportedly complicit in trafficking crimes despite allegations of such throughout the reporting period.”

In a report “Inside Arabia” in January 2021, journalist CJ Werleman wrote that⁸⁹:

“The United Arab Emirates is a global epicenter for human trafficking, an awful reality now made significantly worse by the new arrival of thousands of Israeli sex tourists.”

In a detailed report of 2016 by Americans for Democracy and Human Rights in Bahrain⁹⁰, it was noted that whilst the UAE has ratified various international treaties which act to protect the human rights of migrants and workers, it had:

88 <https://emiratesleaks.com/tv-investigation-exposes-human-sex-trafficking-uae/?lang=en>

89 <https://insidearabia.com/israeli-sex-tourists-exacerbate-uaes-human-trafficking-nightmare/>

90 http://www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

“...not implemented many of the stipulations of the treaties by creating or enforcing domestic legislation pertaining to them. It has further not acceded to some other treaties, such as International Covenant on Civil and Political Rights (ICCPR), which would aim to protect the rights of all Emirati residents. The UAE has signed some agreements with the governments of migrant source countries, like India and Pakistan. However, it has also not translated these agreements into enforceable domestic legislation. Without proper accession to and enforcement of these agreements, the UAE will continue to be a hub for human trafficking, forced labor, and forced prostitution.”

In a February 2021 article for Foreign Policy magazine, journalist Ola Salem⁹¹ noted that,

“For years, the UAE has been a draw for many women in the region. In a 2010 study more than one in eight Arab women had ambitions to migrate to the UAE, a higher rate than men.”

However, she also goes on to state that:

“In the UAE, many of the problems go beyond what can be fixed by simply engaging women in public policy. Family life is still largely governed by Islamic law. Just like its Persian Gulf neighbors, the UAE allows men to serve as guardians of their female relatives, giving men the power to make life-changing decisions.”

Ola Salem views the rights of women in light of the abduction of Princess Latifa and concludes that:

“The tales of the Princesses show that even the most progressive of the Ruler’s regions remain oppressive in their own households, and women cannot count on state-led reforms to protect them... If seemingly privileged women like Princess Latifa are treated in this way, what chance do other women in the region have?”

The Panel concludes that whilst there is clearly a move towards reform of Emirati human rights framework, when considering the rights of women, the UAE still has, it seems, much work ahead of it.

91 <https://foreignpolicy.com/author/ola-salem/>



PRESS REPORTS

PRESS REPORTS



As part of the evidence-gathering process, the Panel has been referred to a volume of press reports compiled concerning the treatment of British women in the UAE. The Panel is acutely aware that press reports do not necessarily present an accurate picture of either the specific events reported upon or life in the UAE in more general terms. Nonetheless, those press reports represent a useful resource.

Our attention has been drawn to numerous press reports concerning the cases of Tiina Jauhainen, Asa Hutchinson and Caitlin McNamara. Details of those reports appear in the evidence bundle.

Our attention was also drawn to the case of Laleh Shahravesh. Ms Shahravesh was arrested at Dubai airport in 2019 having apparently called her ex-husband's new wife a horse on Facebook⁹². Ultimately, Ms Shahravesh was apparently able to leave the country upon payment of a 3,000 UAE dirham fine^{93 94}.

We have noted press reports concerning the potential arrest of an English woman on charges of extramarital sex after she reported an allegation of rape⁹⁵. We have noted the reports of the detention of a British woman who was held in custody after being present in an apartment belonging to someone else in which cannabis joints were found. We have also had our attention drawn to the case of Dr Ellie Holman who was apparently detained for several days after drinking wine on a flight to the UAE^{96 97}. Our attention has been drawn to a press report in the Independent indicating that a British woman was imprisoned in 2017, having had extramarital sex⁹⁸. The Panel has also been referred to a report of an arrest of a British woman for having sworn in a WhatsApp message⁹⁹.

92 <https://www.bbc.co.uk/news/uk-47847740>

93 https://www.huffingtonpost.co.uk/entry/british-mother-held-over-facebook-horse-insult-is-reunited-with-her-daughter-in-britain_uk_5cb05029e4b082aab083b0a3

94 <https://www.bbc.co.uk/news/uk-47897214>

95 <https://www.thesun.co.uk/news/2209010/brit-girl-arrested-after-rape-in-dubai-has-faith-that-justice-will-be-done-after-men-accused-of-attack-pictured-sunbathing-with-pals/>

96 <https://www.dailymail.co.uk/news/article-8656291/British-air-hostess-23-released-Dubai-jail-two-months-bars.html>

97 <https://www.standard.co.uk/news/world/ellie-holman-husband-of-mother-held-in-dubai-with-four-year-old-daughter-says-family-devastated-by-ordeal-a3908756.html>

98 <https://www.independent.co.uk/news/world/middle-east/british-woman-dubai-sex-consensual-islamic-uae-muslim-ex-lover-harrasment-a7853571.html>

99 <https://www.independent.co.uk/news/world/middle-east/dubai-uk-uae-whatsapp-swearing-b1797769.html>

The Panel's attention has also been drawn to a December 2019 article published in the Washington Post¹⁰⁰, criticising repressive conduct in the UAE.

“*Meanwhile the UAE has one of the world's worst records on freedom of speech and press freedom. The Internet is tightly censored, blocking access to several human rights organizations, petitions and even news. Access to information is not only restricted but also even criminalized — as we've seen in the case of British graduate student Matthew Hedges. He was arrested on espionage charges, tortured and made to sign a forced confession before his government intervened to secure his release. The authorities respond to civic activism and calls for political rights with extreme harshness. We know this firsthand: In 2014, one of us was detained without charge and expelled from the country in which he had lived for his entire life. Others have suffered worse. In 2017, Nasser bin Ghaith, an economist, received a 10-year prison sentence for comments he'd made on Twitter. In 2018, Ahmed Mansoor, an award-winning human rights activist, was also sentenced to a decade in prison for social media posts. In 2012, Emirati security forces arrested 94 citizens who had signed a petition calling for reforms; they were sentenced to lengthy prison terms in closed trials. Family members who criticized the process were also later jailed, and some were later stripped of their citizenship.*”

We have also been referred to an article in Al Jazeera English online from 2013 in which a Norwegian woman was apparently given a 16-month prison sentence after reporting a rape. The woman was charged with having extramarital sex, consuming alcohol without a licence and perjury¹⁰¹. The BBC later reported that the Norwegian national was later pardoned and allowed to leave the UAE¹⁰².

The Panel reiterates that it does not make any judgment as to the accuracy of the contents of the press reports referred to above and those others which appear in the evidence bundle appended to this Report. Nevertheless, the Panel does note that those reports tend to suggest both a gender bias against women and criminalisation of matters which ought not to meet the threshold of criminality.

100 <https://www.washingtonpost.com/opinions/2019/12/10/uae-talks-good-game-human-rights-west-should-judge-it-by-its-actions/>

101 <https://www.aljazeera.com/news/2013/7/20/expat-appeals-uae-sentence-after-rape-charge>

102 <https://www.bbc.co.uk/news/world-middle-east-23404042>



OPEN EVIDENCE SESSION

OPEN EVIDENCE SESSION



The Fact-Finding Panel held an Open Evidence Session (OES) on 20th July 2021. The OES was a “hybrid” session, with Baroness Kennedy QC attending in person whilst Sir Peter Bottomley MP and Debbie Abrahams MP attended virtually. Baroness Kennedy chaired the session which took place, at the Ashworth Centre in Lincoln’s Inn. The OES loosely reflected an inquiry or Courtroom setting, with Counsel Rhys Davies and Ben Keith calling oral evidence from witnesses. Those witnesses were then asked questions by the Panel members.

As this report sets out elsewhere, both the UK and UAE governments were invited to participate in the Session. The UK government declined to do so, and no response has ever been received from the Emirati government.

The OES was split into two sections. Firstly, representatives from three leading NGOs gave evidence. The first speaker was Oscar Jenz, the Country Coordinator for the UAE for Amnesty International. The second speaker was Ines Osman, Director of MENA Rights Group, a Geneva-based advocacy NGO defending complainants of human rights abuses in the Middle East and North Africa, and the third speaker was Sofia Kaltenbrunner, the Campaign Manager at the International Campaign for Freedom in the UAE.

Live evidence was then given by three complainants, as well as submissions from Counsel, Caoilfhoinn Gallagher QC, on behalf of a fourth complainant.

The Panel heard first from Tiina Jauhiainen. Ms Jauhiainen is a Finnish citizen, UK resident and was educated in London. Ms Jauhiainen is a close friend of Princess Latifa¹⁰³, the daughter of the Ruler of Dubai who was kidnapped following a failed attempt to escape from the UAE in 2018. Princess Latifa and Ms Jauhiainen’s cases have received significant international attention¹⁰⁴. Ms Jauhiainen was kidnapped alongside Princess Latifa, both having been seized from a yacht in the Indian Ocean by combined UAE and Indian forces. She was detained in the UAE before being expelled from the country.

103 <https://www.theguardian.com/lifeandstyle/2019/mar/05/dubai-princess-latifa-escape-uae-tiina-jauhiainen-one-year-on>

104 <https://www.bbc.co.uk/news/world-middle-east-57204775>

The Panel then heard from Asa Hutchinson. Ms Hutchinson was a witness to a fight outside a restaurant in Dubai 2017¹⁰⁵. Notwithstanding that Ms Hutchinson was not a participant in that fight or to any illegality, she was nevertheless arrested, her passport was seized, and she was detained in the UAE. Ms Hutchinson was then subject to prosecution, but she ultimately fled the UAE and returned to the UK. Ms Hutchinson was then convicted in absentia and sentenced to a term of imprisonment of three years.

The Panel then heard from Caitlin McNamara, former curator of the Hay Festival in Abu Dhabi. Ms McNamara was sexually assaulted and falsely imprisoned by the UAE Minister of Tolerance in February 2020¹⁰⁶.

Caoilfhoinn Gallagher QC spoke on behalf of her client, identified as *British Woman A*, currently detained in custody in the UAE.

Whilst a full transcript of the OES can be found attached to this report at Exhibit A, it is both convenient and important to refer to some of the key evidence given at the OES within the body of this Report. The representatives from the NGOs gave a detailed overview of the rights situation in general in the UAE and also referred to a number of case studies concerning Emirati women who have been detained.

During his evidence, Oscar Jenz of Amnesty International¹⁰⁷ told the Panel that:

“ The UAE is possibly the most effective police state in the Middle East. It has possibly, probably, the highest amount of political prisoners per capita in the entire world. In a country that has 10 million people, 9 million are ex pats and 1 million are actual Emirati citizens. The government has, in the UAE, systematically outlawed freedom of expression in the country with freedom of expression and dissent of any kind being punishable for up to ten years in prison or, if the government decides to bring national security charges, up to life in prison. There is simply no free media in the country. Human rights organisations, including Amnesty International have been, for the past 5 to 6 years banned from visiting the country. Prisoners in the United Arab Emirates, be they foreign nationals or Emiratis, are often held in prolonged situations of solitary confinement. They are held incommunicado from not only their lawyers, but also their family members, and there are no human rights defenders left. Hiba Zayadin, the Human Rights Watch researcher for the United Arab Emirates and the Middle East, described it as simply a black hole of information. We simply don't know what happens to people when they attend trial or what happens to them after they go to prison. This is the legal state that the country operates in. ”

Mr Jenz went on to highlight his concerns about the criminal justice system in the UAE, stating:

“ In 2012, we really started to see the beginning of what is the currently securitised nation state that is the UAE, so every part of the judicial system is politicised. And this is best exemplified in what is known as the UAE 94 mass trial. So, in 2012, the UAE authorities really arrest almost everyone who signed this petition for a more forward and more human rights friendly United Arab Emirates. What was part of this was the police showed up out of nowhere at suspects' houses. They did not present warrants. In the middle of the night, they simply whisked defendants away, beat them and put them in prison. They had no contact with their lawyers or their families for up to five months. This is an enforced disappearance, and it really amounts to state sponsored kidnapping. And this was part and parcel of the trial when 94 individuals were subject to this. Many of these defendants claimed that they had been tortured while they were detained, which we believe is a credible allegation. Prolonged solitary confinement, denial of basic access to water or medical attention. We had defence lawyers who were not allowed to challenge

105 <https://www.standard.co.uk/news/world/british-woman-22-handed-jail-term-in-dubai-after-witnessing-fight-a3938971.html>

106 <https://www.theguardian.com/society/2021/mar/20/until-the-law-catches-up-all-we-have-is-our-stories-my-year-long-fight-to-hold-my-attacker-to-account>

107 https://www.amnesty.org.uk/press-releases/new-report-exposes-sinister-side-uaes-glitzzy-image?utm_source=google&utm_medium=grant&utm_campaign=BRD_AWA_GEN_dynamic-search-ads&utm_content=

government evidence, for example, when there was suspicion of forced confessions or forged confessions, the defence lawyers were not given time to dispute any of these. Some of these trials only lasted a few hours and that was it. An American civil liberties lawyer described these cases as “riddled with legal and procedural flaws right from the start and a flagrant violation of international legal due process standards”. And ultimately, then, in 2013, 69 of these men were convicted in this mass trial to up to 15 years in prison.”

Mr Jenz further set out his concerns relating to specific defects in the criminal justice process. He said:

“What is common throughout the Emirati legal system and trial procedure is firstly, the use of no warrants, enforced disappearances, ie, state-sanctioned kidnapping, defence lawyers given little to actually no access to their defendants, especially when they are held incommunicado. In the case of, for example, Matthew Hedges, a UK citizen, arrested in Dubai, this was up to almost half a year he was given no access to the outside world, or very little. Trials can last only a few hours. Judges are all partial, they are not independent. The ill-treatment and torture of dissidents is very common. So this includes drugging suspects, including certain UK detainees have voiced this concern, claiming that they had been drugged, and this is common amongst the Emirati detainees we know. Threats that their families or they themselves will be either murdered or harmed, or beaten have been reported, and we believe that this is credible and also the systemic use of solitary confinement denying medical access, mattresses, basic amenities, is common. This also goes hand in hand with forced confessions. Once again, something that is common throughout the entire legal system. Another worrying thing that we are seeing is the systemic use of arbitrarily detaining and holding people after they have served their time. For the UAE 94 trial this happened almost ten years ago now. Many have already completed their sentences, but they have not been released. And this is due to the extremely vaguely worded security provisions of the legal system in the country. So the National Security Laws Articles 40 and 48 state that “If a suspect still harbours extremist or politically dangerous thoughts they can be held in detention indefinitely” and due to the vaguely worded provisions it is almost impossible for any defence lawyer or family member to actually challenge this. Couple this with the fact that in prisons violence is common, ill-treatment is common, detainees are often held in solitary confinement and quite often what we see with human rights defenders, the more vocal the defender is, the more the rights about their conditions in prison and trying to reach the outside world, the more harshly they are treated, the more isolation they are subjected to. This is especially true with Ahmed Mansoor.”

Mr Jenz painted an alarming picture of both the repression of dissent and the absence of the apparatus associated with a free and fair state.

Ines Osman, Director of MENA Rights Group¹⁰⁸, highlighted what she referred to as a “contradiction between being perceived as this country of tolerance and diversity and the reality on the ground which is very far from this”. Ms Osman also set out what she described as a restrictive legal framework and noted that Emirati laws criminalised:

“... things such as insulting the ruler, damaging national unity or the reputation of the state and I also want to add that this law also forbids the publication of rumours that would damage the state reputation, and as such we can also see that the UAE have been able to use that fake news narrative that many countries have resorted to also shut down all forms of criticism, and ultimately what damaging national unity or damaging the reputation of the state can entail is so broad that virtually you can end up prosecuted on the basis of pretty much anything and everything.”

108 <https://www.menarights.org/en>

Ms Osman also gave testimony concerning the use of secret detention and torture. Ms Osman said that:

“Torture is used as a means both to punish individuals but also and mostly to coerce them into signing incriminating statements. I’m sure some witnesses will later speak of what they’ve endured in detention, but we’ve documented very disturbing cases with methods of torture such as electric shocks, waterboarding, being forced to stand in stressful positions, deprivation of sleep for extensive periods of time, deprivation of food, water, light, exposure to extreme temperatures, use of solitary confinement and so on. Those confessions that people are forced to sign under duress are then systematically admitted as evidence and constitute, in many cases actually, the sole basis for conviction. And the problem is that we see a big climate of impunity for perpetrators of torture in the UAE and in 2014 the UN Special Rapporteur on the Independence of Judges and Lawyers actually visited the UAE and she reported that over 200 complaints of torture and ill treatment had been presented before Judges and prosecutors, but none of them were investigated nor accounted for in judicial proceedings.”

Ms Osman concluded her evidence to the Panel with the disturbing case study of Alia Abdelnour. Ms Osman described that Alia Abdelnour had been arrested in 2015 and held in secret incommunicado detention. She was subjected to torture and forced to sign a document that she was not allowed to read. Ms Osman went on to say that:

“The only, the sole evidence that was used to sentence her was actually the self-incriminating statements that she signed after she was tortured. Alia had been diagnosed with breast cancer in 2008 and she was successfully treated in Germany, but a month after she was arrested in 2015, she started showing symptoms of a relapse, and the state security officers actually refused to inform her family of her health conditions, and they ordered the medical staff at the hospital to keep the information secret. Instead of receiving adequate medical treatment for her condition, she was only given painkillers and antidepressants. About a year after her arrest, she underwent a medical examination and a biopsy which found that the tumour had actually spread to other parts of her body and due to the serious deterioration of her health, she was transferred to the hospital in 2018, but family visits were consistently denied and information on her health was actually not communicated to her relatives. She continued to be denied the medical attention she required and despite the repeated requests of her family, the authorities refused to transfer her to a specialist hospital and also denied the many requests to release her on medical grounds. Sadly, in May 2019, Alia passed away from her cancer at the hospital and she died chained to her bed, alone, with no relative by her side, and she not only suffered from gross human rights abuses throughout her detention but i just want to say that the authorities denied her the right to live her last days in dignity, with her family.”

The Panel then heard evidence from Sofia Kaltenbrunner, the Campaign Manager at the International Campaign for Freedom in the UAE¹⁰⁹. Ms Kaltenbrunner spoke in detail on a number of case studies of Emirati women, in particular Amina Al-Abduli and Mariam Al-Balushi. Ms Kaltenbrunner informed the Panel that she had chosen those cases to speak about as they:

“...illustrate very well the familiar pattern that Oscar and Ines have already outlined of practices such as arbitrary arrests, enforced disappearances and secret detention, torture during interrogations, the use of forced confessions, and prosecution under extremely vague and broadly worded legislation, purely for the exercise of human rights. And then of course, once convicted, terrible inhumane prison conditions and ill treatment in prison.”

The details of those cases can be found at page 23 of the transcript of the OES.

¹⁰⁹ <http://icfuae.org.uk/about-us>



The Panel then heard live evidence from individual complainants.

Firstly, the Panel heard evidence from Tiina Jauhiainen. Ms Jauhiainen, a Finnish National educated and now living in the UK, gave a detailed narrative relating to her kidnapping and illegal detention of her thereafter in Emirati custody. She was held for a period of several weeks in an undisclosed location and was never given access to a lawyer. Ms Jauhiainen stated that during the course of her detention she was held in conditions that violated basic international standards and during interrogation was threatened with both life imprisonment and the death penalty. During questions after her initial testimony, Sir Peter Bottomley asked for Miss Jauhiainen's opinion as to what she thought "either the Finnish government or the British government can do to influence the experience that people have, whether they are citizens of the UAE or if they are international people who happen to be there, or caught up in their events?". Miss Jauhiainen responded by stating:

“Well, I think first of all that Dominic Raab, instead of referring to these UAE leaders as friends should add these human rights abusers to the Sanctions list. That's what I think. I mean, we're obviously seeing Boris Johnson and Dominic Raab fawning over the leaders of UAE and this should not be acceptable. I mean, I have been subject to kidnapping and surveillance by the UAE. I may not be a UK citizen, but I am a UK resident, so it makes you think what is the UK government really doing to protect me or countless other people who are subject to similar human rights abuses.”

The Panel then heard evidence from Asa Hutchinson. She described living a happy-go-lucky existence in Dubai which she enjoyed for a number of years, having moved there at the age of 18. Nevertheless, Ms Hutchinson went on to describe a different side to life in Dubai. She stated that there was a lack of freedom of expression, noting that:

“...but negative feedback towards the government in Dubai was huge. You don't put anything on social media to say you know this place is too hot, this country is, you know, riddled with crime and nobody gets to see it. I heard all sorts of different stories just from being out about

that you weren't necessarily allowed to talk on your social media about, not that that's what I did, but it was very, very apparent that strict laws, if you weren't following them, they would come upon you very quickly.”

Ms Hutchinson told the Panel about how she came to be arrested and the treatment that she received from the Emirati authorities. She told the Panel that her passport was seized, she signed documents in Arabic, a language which she did not understand and then appeared to be the subject of a prosecution for little other reason than everyone else who had been involved in a relatively minor public order incident had fled the country. Ms Hutchinson was asked about help that she had received from the Foreign Office or other UK representatives in the UAE. She told us that, in terms, she was given very little assistance. Ms Hutchinson said that after she had initially contacted the British Embassy in Dubai:

“ We didn't hear back from them. They said that they'd go out and find details on the case. Nothing. It was more of a..., I was either going to the Chief of Police or I was calling the British Embassy and no-one had any updates for me. Then it got to a stage after my ex-partner had left and things sort of started to divulge for me and what was happening to me that I became super depressed. It doesn't seem like that word is strong enough for how I felt. I went to the British Embassy. I said to them 'look, I am borderline suicidal on my own. I am about to be sentenced to prison for something I wasn't even close to doing. There's CCTV evidence to show I wasn't doing this. Please help me. I need something more than 'we'll try and get some information'. I needed a bit more than that.”

Baroness Kennedy asked Ms Hutchinson to expand on what information the UK Embassy had given to Ms Hutchinson after she had been convicted in absentia. Ms Hutchinson stated that the advice she received from UK authorities was to:

“ ...not alienate myself from the country, I think. It was a confusing phone call, if I'm honest. The lady that had been looking after my case, well, I say that, the lady that I'd been calling to see if she had an update, she advised me not to get myself in trouble and not to be blacklisted from the country. So that's literally what I.. that was the feedback.”

Ms Hutchinson also stated that she was, in effect, told by the UK embassy in Dubai to come back and serve her sentence in the UAE. Sir Peter Bottomley asked Ms Hutchinson, “*Is there any feeling you get that outside attention makes them think again, or is the system so out of control below the rulers that things just go on as custom and practice?*”. Ms Hutchinson responded:

“ I think it enrages them when things hit the newspapers. If anything they think okay, if you're going to make an issue for us, we will make this issue ten times worse for you. I remember telling the prosecutor that I was on the news, I was on the British news, and it wasn't great for the publicity of Dubai, and I remember him getting very, very angry. He sort of stood up, shouted at me, said a couple of things in Arabic and then made me leave. It really enraged him and his secretary that I'd even mentioned this was public. They'd obviously seen it because I had, I think I had actually been contacted by him to go in and just have a chat after it had gone public and he said to me, it was as if he was saying, you know, is this your doing? How has this hit the news? And it ruffled some feathers for sure.”

The last oral evidence from a complainant was received from Caitlin McNamara, former curator of the Hay Festival in Abu Dhabi. Ms McNamara gave powerful evidence about her assault and the assistance that she received afterwards. Ms McNamara was able to tell the Panel that:

“ ...through that connection that a diplomat that was speaking at the Festival connected me to the Head of the Consular Section of the British Embassy in Dubai. I, actually, in all honesty,

without that private connection which I'm really privileged to have, I've worked for the Foreign Office in Brussels for several years, I'm aware of how Consulates work, but I don't know if I would have known to go straight to the, you know, Consulate in Dubai, I didn't know there was a British Embassy in Abu Dhabi, a British Consulate in Abu Dhabi so that came about through a private connection. The Head of the Consular Service at the British Embassy in Dubai, by now I'd driven to Dubai to get to get away from the man who attacked me... ”

Ms McNamara was asked by Counsel what positive assistance she had been given by UK representatives in the UAE and told the Panel that:

“ it was all extremely frustrating because it was almost like someone was reading out a brief of what to give a rape victim. Here's a link to a rape crisis centre, here's how you might get a lawyer, but it required me to do everything actively which when you're alone in a, you know, cut off from your support networks, without unlimited funds, you know, in a really unique position, I wasn't in a mind frame where you know I could sit at my laptop calmly for a few hours and trawl through, you know, government advice on sexual assault or, I'd never had a lawyer before, I don't know, you know, I also didn't have the funds to do that. They said the right things, but it didn't feel, there was no proactive help. ”

Ms McNamara concluded the first part of her evidence by saying:

“ Despite all of my knowledge of the region and experience working for the Foreign Office, I wasn't aware fully of my risk working as a woman in the UAE and I think for me to not be aware of that despite having worked for the Foreign Office, working on a festival that celebrates freedom of expression of which I'd been briefed fully on that situation in the UAE, for me to not fully understand that, I think doesn't offer much hope, more widely. So, I think I should have, before I went out there, had more information from... information should have been available more widely about the risks working there as a woman and I think that would also be my advice now going forwards, particularly with the expo coming up and, you know, are women supposed to not go to that? Or, sort of LGBTQ women not supposed to go to that, or anyone who wants to express their opinions supposed to not go to that, and i think just being more transparent about the realities. I wish I had known that. I wish, at the time, I mean, an ideal situation I think I would have really appreciated someone from the Consulate dedicated to me to help me do simple things like let me make that call to the lawyer from the Embassy with someone advising me on their phone, so that, you know, I wasn't having to sort of burden those costs, and I felt safe doing so. And then I think finally, what i really would have appreciated is treating me as a person with an individual case, rather than speaking to me in political language. I mean, I understand government lines, I understand Foreign Office lines, I was the spokesperson for an office, I get it, but it's very frustrating when you're in a traumatic situation and you're asking someone a question, you know, you're stressed and you're really suffering and you've been hurt and you're very scared and alone and asking the Foreign Office for their help and them giving you sort of political answers that are based around, you know, we have to respect the UAE's processes and you actually want them to say, if you're supposed to get on a plane and go home then you should, I just wish someone had said to me get on a plane and go home in clear language rather than it being riddled. ”

When questioned by Baroness Kennedy, Ms McNamara was able to tell the Panel that she didn't hear from the Foreign Office until three months after she had returned to the UK.

The Panel then heard submissions from Caoilfhoinn Gallagher QC . She gave a detailed account of *British Woman A*, whose identity was anonymised. *British Woman A* had been detained without charge in the UAE since February 2020 for a period of some seventeen months at the time of the OES and it was believed that she was targeted for her human rights advocacy. *British Woman A* is a sole carer, a single parent of two young children. She had only been given access to her children twice over the period of the detention of around 25 minutes on each occasion. *British Woman A* had not been charged at the time of the OES. Ms Gallagher set out that pre-trial detention in the UAE can be indefinite and explained that although the Emirati prosecutor had indicated that he needed to make enquiries with a number of states including the UK, the UK Foreign Office has made clear that no request has been made by UAE to the Home Office or the National Crime Bureau for information concerning *British Woman A*. As result the detention of *British Woman A* is arbitrary. It was explained that *British Woman A* had:

“ ... been repeatedly denied her rights to judicial review of her detention before an independent and impartial tribunal. She’s been denied the most basic and fundamental guarantees to her right to a fair trial, including a hearing which she couldn’t understand which is being interpreted in real time and including her right to the presumption of innocence. She’s being denied her right to communicate freely and in confidence with her lawyers, either her UAE team or her international team, and regrettably, these are systemic breaches where UAE law is simply not human rights compliant and the UAE in her particular case has also simply failed to give privacy to the best interests of her children or to respect her right to private and family life. Now, against that backdrop, it’s rather shocking, you might think, that the FCDO’s position in this case and the position of the Embassy has been that *Woman A*’s detention is in accordance with local UAE laws and procedures. They’re respectful of local UAE laws and procedures. Now, this is in stark contrast to many other cases in which I act where I’ve had the privilege of dealing with excellent FCDO officials and consular officers who are willing to raise very serious concerns about lack of compliance with international human rights standards. Indeed, they’ve done that in many of my cases which involve my clients not even being UK nationals, particularly on issues like freedom of expression, rights of journalists and so on, but here, they have a very deferential hands-off approach, respecting local UAE laws and procedures. Their focus is on deference to the UAE, not on the international human rights standards, and we have been frankly horrified that a British woman can be detained in a case such as this on an open-ended pre-charge basis, without sight of the evidence against her, without the authorities even yet formulating any specific charge against her, separated from her very young children, and without her own government taking robust action. ”

Of particular note counsel explained:

“ It seems to us that there’s a perfect storm for British women like *A*. You have a non-rule of law compliance state with systemic breaches of the most basic international human rights law standards despite the perceptions of the UAE in a very different way. You have the lack of recognition of the role of primary carers, which of course has a particular impact on women who are far more likely to be sole or primary carers or single parents. You have a real and present danger of reprisals if prisoners like *A* speak out before they return to home soil. It’s not a surprise that you’ve heard from witnesses today who are in the UK or in other countries around Europe, and there’s a real present danger of risk to their family members if their family members speak out. ”

Counsel also set out the nature of the assistance that *British Woman A* and her family had received from the UK Foreign Office. She noted that:

“ With regard to Embassy staff, and I’m quoting directly. With regard to the Embassy staff, he [a member of *British woman A*’s immediate family] says, there seems to be a policy of very pleasant first interaction, but without any actual advice or support. This quickly changes to aggressive

unhelpfulness. The Embassy and FCDO seem to have a policy of trying to do absolutely nothing. They don't accept the obvious, namely the fact that our human rights are being abused and she's suffering arbitrary detention which, in itself, is a form of torture, especially when your children are just a few months old. Their policy of only one visit per six months for innocent people being held in pre-trial detention is monstrous. Now, that's a reference to the fact that the Embassy has a standard system of visiting prisoners only once every six months and they don't adjust it if you're dealing with pre-charged detention, they don't adjust it if you're dealing with someone like this who's a primary carer, they don't do it. They treat you precisely the same as someone who's in year 9 of a 10-year sentence. So, it's only once every six months. He also says the official advice from the Minister to send the children to live in jail with her is again horrific and what that refers to is the fact that in September 2020, the UK Minister of State for the Middle East and North Africa, James Cleverley MP, before my team was involved in the case, stated to my clients in a letter that Woman A's children could always go into detention with her, and it's understood that children detained the relevant prison can only see their mothers once per week for approximately 10 minutes, but it's particularly surprising, given the evidence you've heard earlier, that there would be a proposal made by a Minister that that's an acceptable solution. And then finally, he asked me to say this. He's asked me, and particularly in light of the evidence we've heard this morning, whether the Panel would agree with him that we should, in fact, not only use the word deferential or hands-off, but whether we should use the word complicit, which I appreciate is a strong word, and his reason for that is he thinks the FCDO is essentially proving itself in its actions or inactions to be complicit because its actions or inactions help the UAE authorities to trample over UK citizens' human rights and it sends a message to the UAE authorities that this kind of treatment of a woman like Woman A, or other prisoners in her position, is acceptable when it's very, very far from acceptable. ”

Following the OES, Counsel informed the Panel that after 20 months' detention British Woman A was released on conditional bail. At the time of writing this Report, she has still not been informed of the charges against her in any detail or writing. No date has been set for trial.

The evidence the Panel received from victims was detailed, compelling and alarming. The evidential background of each of those cases was unique. Each had their own particular characteristics, and each had comparatively little in common, save that all four individuals found themselves in profoundly difficult circumstances in the UAE. Thereafter, there appears to have been a common thread running between each one of those cases: an absence of respect for the rule of law alongside breaches of fundamental rights, further with apparent inaction and a lack of assistance by UK representatives in the UAE.

The evidence submitted from both NGOs and victims at the OES also tended to suggest a pattern of failure to respect fundamental human rights and the rule of law in the UAE. The NGOs collectively set out a pattern of repression, intolerance of dissent and a particular imbalance concerning the power of the state against the rights of individuals.

The Panel notes that part of the mandate for this Report includes consideration of whether the rights of British women in the UAE are adequately protected and respected in general terms. We also consider the legal framework and protections available to women and in particular British women in the UAE. As set out elsewhere in this document, with reference to press reports detailing the treatment of British women in the UAE, it nonetheless readily appears to be the case that any protections which may currently exist appear on their face to be inadequate. The pattern of information which emerged from the OES tends to suggest that at present there are inadequate mechanisms and safeguards to ensure the safety of British women who find themselves detained, arrested or otherwise in the UAE.

LEGAL FRAMEWORK: BRITISH NATIONALS ABROAD

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Within International law, the UK has the right to provide consular assistance to its nationals overseas. A detailed analysis of the rights and obligations in international law of sovereign states to assist their citizens abroad is beyond the scope of this Report. However, in brief, the legal basis for consular protection is found in the 1963 Vienna Convention on Consular Relations¹¹⁰. The Vienna convention regulates the rights of consulates overseas and in particular articles 5 and 36 govern the rights and protections available to foreign nationals when detained abroad. Amongst other things, Article 5 provides that consular functions “consist in protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law”.

Article 36 provides that “consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State” and “consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement.”

Notwithstanding the unambiguous entitlement for UK consular officials to assist UK nationals abroad, the particular way that these rights are exercised is a matter for the UK government, and Foreign Office officials on the ground. As set out in a detailed report from Redress in 2018¹¹¹:

“In the UK, both consular assistance and diplomatic protection are not enshrined in UK law but instead are regulated as a matter of policy. They are considered to be actions that can be taken at the discretion of the Government. The wide discretion exercised by the Government has led to criticism by some victims of human rights violations perpetrated during detention

¹¹⁰ https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf

¹¹¹ <https://redress.org/publication/beyond-discretion-the-protection-of-british-nationals-abroad/>

abroad as well as by some families, advocates and civil society organisations. Arguably, a wide discretion fails to recognise the important role of both concepts under international law and, in some cases, may undermine the protection of British nationals abroad. Significant efforts to assist and protect British nationals abroad in individual cases notwithstanding, the overall practice in this area is inconsistent and lacks transparency. The results can be seemingly weak support from the UK Government to secure remedies for victims of violations... ”

Notwithstanding that the UK government routinely extends consular assistance to UK nationals abroad¹¹², that consular assistance is extended by way of a policy commitment, rather than enshrined in legislation or similar. Where a policy is breached there may be right to redress¹¹³. However, in broad terms, the Panel understands that UK government maintains the stance that it is under no obligation to extend assistance. Indeed, within Foreign and Development Offices “*Support for British Nationals Abroad: A Guide*”, published in 2021, it expressly provides that “*There is no legal right to consular assistance. All assistance provided is at our discretion*”. The Panel’s attention has been drawn to the well publicised cases of Nazanin Zaghari-Ratcliffe¹¹⁴ in which the UK government continue to indicate that UK citizens arrested overseas through no fault of their own have no right to the UK government’s assistance or protection.

The Panel’s attention has further been drawn to information available on the gov.uk website for British nationals arrested in the UAE¹¹⁵. That website provides that, amongst other things, “*the person arrested or detained should contact the nearest British embassy, High Commission or Consulate as soon as possible – the police might also do this on their behalf*”. The website also provides information packs for British prisoners in both Abu Dhabi and Dubai¹¹⁶. Those prisoner packs provide, amongst other things, that the Consulates will “*...aim to make sure you are treated properly and fairly, in accordance with local regulations, and that you are treated no less favourably than other detainees are.*” Further, the packs indicate that the Consular staff will “*... aim to contact you as soon as possible after being told about your arrest or detention... but how soon this is may depend on local procedures*”. Further, the Consular staff undertake to “*... offer basic information about the local legal system*”. The information pack expressly provides that “*We cannot get you out of prison or detention, nor can we get special treatment for you because you are British. If, however, you are not treated in line with internationally-accepted standards we will consider approaching local authorities. This may include if your trial does not follow internationally recognised standards for a fair trial or is unreasonably delayed compared to other cases*”.

112 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961671/Guide_Support_for_British_nationals_abroad_Feb_2021.pdf

113 <https://www.phb.co.uk/legal-updates/legal-options-for-british-citizens-stranded-outside-of-the-uk>

114 <https://www.thetimes.co.uk/article/britons-overseas-have-no-right-to-our-help-says-foreign-office-99gscp5kt>

115 <https://www.gov.uk/help-if-you-are-arrested-abroad/y/ united-arab-emirates>

116 <https://www.gov.uk/government/publications/united-arab-emirates-prisoner-pack>



FINDINGS AND RECOMMENDATIONS

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The Panel was presented with an extremely broad scope of evidence including an extensive spectrum of press reports, open-source evidence from respected sources, as well as detailed oral evidence from experts and complainants. The Panel is particularly grateful to the evidence provided from the three complainants who gave live oral evidence at the Open Evidence Session.

The Panel Chair, Sir Peter Bottomley, wishes to express his thanks to those who have worked on this Panel together and prepared the evidence – with particular thanks to Ben Keith and Rhys Davies. Sir Peter is thankful too for the work of his colleagues in Parliament, Debbie Abrahams MP, Labour Member for Oldham East and Saddleworth, and Helena Kennedy QC, Baroness Kennedy of The Shaws for their contributions to the project.

The Panel heard from witnesses and NGOs and reviewed a range of documents and resources provided to the Panel. The evidence received from complainants has shown, through individual case studies, that the Emirati criminal justice system is open to abuse and capable of manipulation. The experiences of those women who gave evidence to the Panel highlighted some truly desperate and worrying situations, with obvious signs of mistreatment and human rights breaches.

When considering the totality of the evidence presented, the Panel notes that the United Arab Emirates plainly has a highly developed and sophisticated legal system. The progress that the United Arab Emirates has made over recent decades is remarkable in many ways. The Panel is further acutely aware that no legal system is without fault and no country has an unblemished human rights record. Nevertheless, whilst the United Arab Emirates is undoubtedly making efforts to improve its human rights approach in general terms and the rights of women in particular, there remain serious and significant causes for concern when one considers the Emirates' record for respect of basic human rights.

In particular, the panel heard from complainants that their respective rights to due process had been routinely denied by UAE authorities. The distinct set of experiences presented to the Panel by female complainants demonstrated a pattern of breaches of international standards in the UAE criminal justice system.

The Panel appreciates that the UK representatives to the region and staff at the Foreign Office do an extraordinary job. It is clear that the Consular assistance provided to British women in the UAE whose rights have been breached has at times fallen far short of expectations. The Panel encourage Ministers to take this matter seriously and learn from high profile cases of not just British nationals, but also Emirati women who have suffered discrimination and injustice at the hands of authorities.

The United Kingdom is known for its diplomacy and pragmatic approach to foreign policy. Our diplomats are respected, and their opinions held in high regard. Whilst the UAE is undoubtedly making efforts to improve its approach to human rights generally and the rights of women in particular, there are still serious and significant concerns with the recent record of respect for basic human rights. The UK Government, through our diplomatic teams and international development funding, can provide greater scrutiny to how the Emirati authority follows international standards of justice and respects the rights of citizens and guests to the country.

The evidence considered by the Panel, particularly the evidence from internationally recognised and respected NGOs, shows that further reform to protect human rights is necessary, notwithstanding recent reforms to the Personal Status Laws in the UAE. In particular, the Emirati government should take steps to ensure that there is no lawful basis for any gender discrimination.

The Panel observes that the public perception of the United Arab Emirates as a sophisticated and open nation is unfortunately at odds with credible evidence which we have been provided with, tending to suggest that those fundamental and basic human rights are not adequately respected and protected. The evidence that has been considered by the Panel, particularly the evidence of internationally recognised and respected NGOs tends to suggest that notwithstanding recent reforms, further steps are still required.

The evidence that the Panel received from complainants and NGOs at the Open Evidence Session was both credible and compelling and capable of belief. In particular, the Panel was alarmed at the way in which all three complainants who gave evidence were treated, as well as the distressing case of British Woman A. Furthermore, the Panel was concerned by the nature of the particular complaints made by those women with regard to an apparent lack of support by Consular officials on the ground.

In summary, therefore the Panel finds that:

- The Emirati criminal justice system is open to abuse and capable of manipulation.
- The Panel heard evidence from women who had been detained in the UAE with obvious signs of mistreatment and human rights breaches.
- The experiences presented to the Panel by female complainants demonstrated a pattern of breaches of international standards in the UAE criminal justice system.
- Consular assistance provided to British women in the UAE whose rights have been breached has, at times, fallen far short of expectations.
- Further reform to protect human rights in the UAE is necessary.
- The Emirati government should take steps to ensure that there is no lawful basis for any gender discrimination.

The Panel calls upon Ministers from both countries to learn from high profile cases of British nationals and Emirati women who have suffered, and continue to suffer, discrimination and injustice at the hands of authorities. Further, the Panel calls upon the governments of both countries to take all necessary steps to ensure that the rights of women are properly protected. In particular, the Panel calls upon the United Kingdom government to ensure that complaints made by British nationals whilst in the UAE are properly investigated and all necessary assistance is provided.



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